

CUK-H03327-36-P038421

CONTENTS

NUMBER 1—FEBRUARY, 1947

The United States Supreme Court, 1946. <i>Walter F. Dodd</i>	12
American Government and Politics The Second Session of the Seventy-ninth Congress. <i>Floyd M. Riddick</i> ..	12
Rural Local Government County and Township Government in 1945. <i>Clyde P. Snider and Neil F. Garvey</i>	28
Federal Executive Reorganization Reexamined: A Symposium. II. <i>Fritz Morstein Marx (ed.)</i>	
IV. Adjusting the Departmental System. <i>Lloyd M. Short</i>	48
V. Systematizing Congressional Control. <i>Robert M. LaFollette, Jr.</i>	58
VI. Political Limitations on Executive Reorganization. <i>Avery Leiserson</i>	68
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	85
Forty-second Annual Meeting of the American Political Science Association. <i>Harvey Walker</i>	101
Book Reviews and Notices.....	129
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	159
Government Publications. <i>Miles O. Price</i>	185

NUMBER 2—APRIL, 1947

The Criminality of Aggressive War. <i>Leo Gross</i>	205
Religious Liberty v. The Police Power: Jehovah's Wit <i>Julius W. Barber</i>	226
Constitutional Law in 1945-46. <i>Robert E. Cushman</i>	248
American Government and Politics The Federal Administrative Procedure Act. <i>Foster H. Sherwood</i>	271
Strengthening State Legislatures. <i>Lynton K. Caldwell</i>	281
Legislative Reference Service for the Congress of the United States. <i>W. Brooke Graves</i>	289
Foreign Government and Politics Post-War Municipal Elections in Great Britain. <i>William A. Robson</i> ...	294
Democracy and Socialism in New Zealand. <i>Lealie Lipson</i>	306
Instruction and Research Toward a More Integrated Political Science Curriculum. <i>London G. Rockwell</i>	314
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	321
Book Reviews and Notices.....	331
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	384
Government Publications. <i>Miles O. Price</i>	401
Notes on Some Recent Documentary Materials. <i>James B. Childs</i>	410

NUMBER 3—JUNE, 1947

Recent Constitution-Making in France. <i>Robert K. Gaoch</i>	429
American Government and Politics The Term of Office of the President. <i>Escrett S. Brown</i>	447

36

Neglected Aspects of Intergovernmental Fiscal Relations. <i>Wyllis K. Patrick</i>	
Foreign Government and Politics	
Due Process for Ex-Dictators; A Study of Judicial Control of Legislation in Guatemala. <i>J. A. C. Green</i>	463
Political Theory	
Beyond Relativism in Political Theory. <i>Arnold Brecht</i>	470
Undergraduate Instruction in Political Science. <i>Francis O. Wilcox (ed.)</i>	
I. The Introductory Course in Government. <i>Francis O. Wilcox</i>	489
II. The Major in Political Science. <i>Harvey C. Mansfield</i>	509
III. Undergraduate Training for the Public Service. <i>James W. Fessler</i>	507
IV. The Use of Visual Aids in Political Science Teaching. <i>John D. Millett</i>	517
V. The Teacher of Government. <i>Ethan P. Allen</i>	527
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	535
Book Reviews and Notices.....	556
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	610
Government Publications. <i>Miles O. Price</i>	626
Notes on Some Recent Documentary Materials. <i>James B. Childs</i>	634

NUMBER 4—AUGUST, 1947

The Utilization of Social Scientists in the Overseas Branch of the Office of War Information. <i>Leonard W. Doob</i>	649
Political Influence and Agricultural Research. <i>Charles M. Hardin</i>	668
American Government and Politics	
The Hatch Act Decisions. <i>Ferrel Heady</i>	687
State Constitutional Law in 1946-47. <i>Foster H. Sherwood</i>	700
Foreign Government and Politics	
The Influence of Ideas on Policies as Shown in the Collectivization of Agriculture in Russia. <i>Barrington Moore, Jr.</i>	733
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	744
Doctoral Dissertations in Political Science. <i>David Fellman</i>	764
Book Reviews and Notices.....	771
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	828
Government Publications. <i>Miles O. Price</i>	843

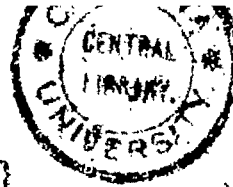
NUMBER 5—OCTOBER, 1947

Japan's Constitutions: 1890 and 1947. <i>Harold S. Quigley</i>	865
Workers' Control of Industry and the British Labor Party. <i>Robert A. Dahl</i>	876
Britain Begins to Rebuild Her Cities. <i>Coleman Woodbury</i>	901
Natural Law: A Functional Interpretation. <i>Burke Inlow</i>	921
American Government and Politics	
The New Presidential Succession Act. <i>Joseph E. Kallenbach</i>	931
The Governor's Veto in Pennsylvania. <i>M. Nelson McGeary</i>	941
Public Administration	
Public Administration in the Atomic Age. <i>Arthur W. Bromage</i>	947
Establishment Boards in the Federal Civil Service. <i>Randolph J. Jouns</i>	955
International Affairs	
Relations between the United Nations and the International Labor Organization. <i>John H. E. Fried</i>	993
Instruction and Research	
Political Science in the United States in Wartime. <i>Carl J. Friedrich</i> ...	978

P 35421

121

and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	990
Reviews and Notices.....	998
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	1052
Government Publications. <i>Miles O. Price</i>	1070
Notes on Some Recent Documentary Materials. <i>James B. Childs</i>	1078
NUMBER 6--DECEMBER, 1947	
Foundations of American Conservatism. <i>W. Hardy Wickwar</i>	1105
American Government and Politics	
A New Approach to Federal Executive Reorganization. <i>Ferrel Heady</i>	1118
A New Constitution for New Jersey. <i>Bennett M. Rich</i>	1126
Rural Local Government	
County and Township Government in 1946. <i>Clyde F. Snider and Neil F. Garvey</i>	1130
Ten Years of the Supreme Court: 1937-1947, Part I. <i>Robert E. Cushman (ed.)</i>	
I. Federalism. <i>David Fellman</i>	1142
II. Separation and Delegation of Powers. <i>Oliver P. Field</i>	1161
III. The Power to Regulate Commerce. <i>Vincent M. Barnett, Jr.</i>	1170
Foreign Government and Politics	
The Revival of German Unions of Local Authorities After World War	
II. <i>Roger H. Wells</i>	1182
International Affairs	
Is a Peace Treaty with Germany Legally Possible and Politically Desirable? <i>Hans Kelsen</i>	1188
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	1194
Book Reviews and Notices.....	1207
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	1261
Government Publications. <i>Miles O. Price</i>	1278
Index to Volume XLI. <i>Mary T. Reynolds</i>	1235



The American Political Science Review

VOL. XLII

FEBRUARY, 1947

NO. 1

THE UNITED STATES SUPREME COURT, 1936-1946

WALTER F. GORD

Chicago, Illinois

In order to analyze the work of the United States Supreme Court from the beginning of its 1936 term in October, 1936, to the end of one 1946 term in June, 1946, it is first necessary to state the situation at the beginning of this period.

Before the pressure of our last great depression, the United States Supreme Court had found restrictions to exist upon the powers of the national government, and had found barriers against governmental power, both national and state. These barriers were found mainly in a small number of cases: *Bills v. United States*, 257 U. S. 250 (1921), which restricted price regulation, *Adkins v. Children's Hospital*, 247 U. S. 261 (1918), in which federal power was held not to extend to the shipment of child-labor goods in interstate commerce; *Adkins v. Children's Hospital*, 261 U. S. 525 (1923), in which it was held that a statutory regulation of minimum wages for women was violative of due process of law; *Adkins v. United States*, 203 U. S. 161 (1908) and *Coppage v. Kansas*, 236 U. S. 1 (1915), which sustained the so-called "yellow-dog" contract, and held that it was unconstitutional for either state or federal government to forbid the employer's contracting that his employees should not belong to unions.

These opinions have now been overruled or explicitly discredited and the Court has expressed the further opinions that state powers in no way restrict the powers granted to the national and that the national power to spend for the "general welfare of the United States" is not limited by the direct grants of legislative power found

* President of address delivered before the American Political Science Association at its forty-second annual meeting, Cleveland, Ohio, December 27, 1946.

in the Constitution. Governmental powers have been enlarged, but at the same time federal power and control have been made dominant.

The condition of the depression led to much legislation, state and federal; and much of this legislation, particularly that of Congress, was enacted without adequate consideration. The Supreme Court sustained state legislation for price control (*Nebbia v. New York*, 291 U. S. 502, March 5, 1934), and mortgage moratorium legislation (*Home Building & Loan Association v. Blaisdell*, 290 U. S. 398, January 8, 1934). It also sustained federal gold clause legislation (*Norman v. B. & O. R. R. Co.*, 294 U. S. 240, February 18, 1935), and the Tennessee Valley Authority Act (*Ashwander v. Tennessee Valley Authority*, 297 U. S. 288, February 17, 1936). With four dissents, the Railroad Retirement Act was held invalid (*Railroad Retirement Board v. Alton Railroad Company*, 295 U. S. 330, May 6, 1935). With three dissents, the Agricultural Adjustment Act was held invalid (*United States v. Butler*, 297 U. S. 1, January 6, 1936); and, with four dissents, the validity of the Bituminous Coal Conservation Act was denied (*Carter v. Carter Coal Co.*, 298 U. S. 238, May 18, 1936). Statutory adjustments were made with respect both to railroad retirement and bituminous coal.

But the most serious judicial blow to legislation of the depression was that of May 27, 1935, and this blow was struck by a unanimous Court. Upon that date two opinions were handed down. The opinion in *Schechter v. United States* (295 U. S. 495), with the opinion of the Court by Chief Justice Hughes and a concurring opinion by Mr. Justice Cardozo, substantially destroyed the National Industrial Recovery Act. Upon the same day, a unanimous Court joined in an opinion by Mr. Justice Brandeis which held invalid the original *Frazier-Lemke* Act with respect to farm mortgages (*Louisville Joint Stock Land Bank v. Radford*, 295 U. S. 555). These two cases probably had more influence than any others in bringing about President Roosevelt's recommendation of February 5, 1937, for the reorganization of the Supreme Court, although his recommendations would have had little effect upon the decisions of a unanimous Court.

The President's recommendations led to much discussion, and to hearings by the Committee on the Judiciary of the United States Senate running from March 10 to April 23, 1937, with an adverse report by that committee on June 14, 1937. It has fre-

It has been argued that the President's recommendation constituted a threat which forced a change in the attitude of the Court. Changes in the personnel of the Court occurred from January to June 1, 1937.

In addition to the adverse decisions in 1935 and 1936, the President's program was faced with two earlier decisions: *Hammer v. Dagenhart* (247 U. S. 251, June 3, 1918), and *Adkins v. Children's Hospital* (261 U. S. 525, April 9, 1923). Although *Hammer v. Dagenhart* was not specifically reversed until the Fair Labor Standards Act was sustained in *United States v. Darby Lumber Co.* (312 U. S. 100, 1941), Mr. Justice Stone was correct in saying in that opinion that the principle of the *Dagenhart* case was abandoned in *Kentucky Whip & Collar Co. v. Illinois Central R. R. Co.* (299 U. S. 334, January 4, 1937). The *Adkins* case was specifically overruled in *West Coast Hotel Co. v. Parrish* (300 U. S. 379, March 29, 1937).

The President's labor program was also faced by *Adair v. United States* (208 U. S. 161, 1908) and *Coppage v. Kansas* (236 U. S. 1, 1916). These decisions were disregarded in the Norris-LaGuardia and National Labor Relations Acts, which were sustained, but the force of the *Adair* and *Coppage* opinions was first said to be "sapped" in *Phelps Dodge Corporation v. National Labor Relations Board* (313 U. S. 177, 1941).

With reference to interstate commerce, the spring of 1937 produced two cases of importance, in addition to that of the *Kentucky Whip & Collar Co. In Virginian Ry. Co. v. System Federation* (300 U. S. 515, March 29, 1937), the Court held that the Railroad Labor Act applied to railway shop employees. And in *National Labor Relations Board v. Jones & Laughlin Steel Corporation* (301 U. S. 1, April 12, 1937), the Court, with four dissents, sustained the National Labor Relations Act. The opinion of Mr. Chief Justice Hughes constitutes the basis for a widened scope of national power over interstate commerce, although there were four dissents. On March 29, the Court unanimously sustained a revised Frazier-Lemke act as to farm mortgages, this act having previously been held invalid by a unanimous Court because of constitutional defects which were now removed (*Wright v. Mountain Trust Bank*, 300 U. S. 440, March 29, 1937).

On May 24, 1937, the Court sustained the Social Security Act with respect to unemployment compensation and old age benefits

(*Steward Machine Co. v. Davis*, 301 U. S. 548; *Helvering v. 301 U. S. 619*).

✓ There is no basis for the assertion that favorable opinions of the Court from January to June of 1937 were occasioned by the President's action, and there seems to be a fair degree of certainty that they were independent of such influence during the period when the membership of the Court remained unchanged. Such favorable decisions were before June, 1937, and laid the basis for subsequent developments in the extension of governmental power over industry, and in the expansion of federal authority through unlimited spending and interstate commerce powers. The foundation was fully established for the recognition of federal power to prescribe quotas of farm production for the farmer's use on his own farm (*Wickard v. Filburn*, 317 U. S. 111, 1942), and for federal control of insurance (*United States v. South Eastern Underwriters Association*, 322 U. S. 533, 1944).

✓ The tendencies toward greater governmental regulation and toward greater federal regulatory power find basis in changed economic and social conditions which make greater regulation necessary, and which make national problems which were once local. The trend toward unrestricted national power finds basis primarily in the commerce clause and in the taxing and spending powers.

✓ Federal dominance has been strengthened also by the Court's emphasis upon the power of Congress to exempt from state and local taxation the business of a federal agency common to private capital (*Pittman v. Home Owners' Loan Corporation*, 308 U. S. 21, 1939; *Maricopa County v. Valley National Bank*, 318 U. S. 357, 1943); and the power of Congress to tax the business of a state agency engaged in "enterprises generally pursued" (*State of New York v. United States*, 66 S. Ct. 310, January 14, 1946). The position of the Supreme Court lays the foundation for the much-urged federal taxation of state and local bonds, while continuing the exemption of federal bonds from state and local taxation. It is argued that the states are protected from abuse by virtue of their representation in the two houses of Congress, but this ignores the fact that our political system is organized on a federal basis.

With reference to state taxation of intangibles, the Supreme Court has made a vital change, which purports to be for the advantage of the states. Beginning in 1929, the Supreme Court took the view that for two or more states to tax intangibles was violative

(The *Thomas Jefferson*, 10 Wheat. 428), and in 1851, Chief Justice Taney held that it applied to navigable waters, including the Lakes (*Genesee Chief v. Fitzhugh*, 12 How. 443). Essential changes with respect to price regulation, the problems of labor, and the scope of interstate commerce have come during the past few years and in periods slightly before.

The functions of the nation and of the states and municipal bodies are greater than ever before, and are constantly increasing. With respect to the manner in which these functions are to be performed, and the extent to which they are to be performed or controlled by the national government, we must look to the constitution of the United States, and also to the conditions which may determine whether the national government will undertake duties which may now be in the hands of state or local governments. Many of the functions which may be assumed by national authority are of a character better administered by more local authority. Many require joint action.

Under our constitution, states will continue their importance as units in a political organization, although their importance as individual units is controlled by national party organizations. Their share in electing the president and members of the two houses of Congress, and in the adoption of constitutional amendments, together with their equality of power, are fundamental in our constitutional system. It is required that they maintain a republican form of government, but preservation of such a form does not rest with the courts (*Coleman v. Miller*, 307 U. S. 433). This is indicated in recent cases from Illinois and Georgia (*Colegrove v. Green*, 36 S. Ct. 1198, 1946; *Cook v. Turman*, 67 S. Ct. 21, 1946). But primary elections have been held to be within judicial protection (*United States v. Classic*, 323 U. S. 298, 1941); *Smith v. Allwright*, 321 U. S. 543, 1944); and the Fourteenth Amendment has recently been construed to authorize a federal statute punishing a state official for violation of a state law (*Screws v. United States*, 325 U. S. 91, 1945). Moreover, the United States Supreme Court has so construed the Fourteenth Amendment as to bring freedom of religion, of speech, and of the press, and of assembly and petition, within the standards set by that Court. Such a position could not have been taken before the Fourteenth Amendment (1833); and, in 1904, in a case involving freedom of speech and of the press, Mr. Justice Holmes said for the Court: "We leave undecided the question

whether there is to be found in the 14th Amendment a prohibition similar to that in the 1st" (*Patterson v. Colorado*, 205 U. S. 454). The last effort to leave an issue of civil liberties to the states was unsuccessfully made by Mr. Justice Frankfurter with respect to the salutation of the national flag in public schools (*Minersville School District v. Gobitis*, 310 U. S. 586, 1940). The states are important units in the federal system, but the standards of their political action are now largely subject to federal control.

During the whole period of our constitutional history, there has been an increasing activity by our national government, and an expansion of judicial construction of the powers of that government. During the past ten years, we have had judicial decisions which give a supremacy to the national government, primarily through the instrumentality of the commerce, taxing, and spending powers of that government.

The power of Congress to regulate interstate commerce has now come to be applied to the farmer's feeding of cattle upon his farm (*Wickard v. Filburn*, 317 U. S. 111, 1942); industrial homework in the embroideries industry (*Gemsco v. Walling*, 324 U. S. 244); and window-washing in a building producing goods for interstate commerce (*Martino v. Michigan Window Cleaning Co.*, 66 S. Ct. 379). And such transactions now have a relation to commerce.

The federal taxing power presents a means of controlling state policy, not frequently used, but used in issues of importance. By permitting a credit not exceeding eighty per cent of a federal estate tax for the amount of a similar tax actually paid to any state, the national government forced inheritance taxes in all states (*Florida v. Mellon*, 273 U. S. 12, involving an act of 1926). The Social Security Act of 1935 imposed a federal tax for unemployment compensation, with a credit not exceeding ninety per cent to the taxpayer for payment of a state tax under a state law approved by the national authority. Unemployment compensation soon became an institution in all states—Mr. Justice Cardozo saying for the Court, with the approval of Mr. Justice Sutherland, that it was by persuasion, not coercion (*Steward Machine Co. v. Davis*, 301 U. S. 548, 1937).

The most controlling power of the national government is that of expenditure for the "general welfare of the United States." The national government has financed the cost of administering state unemployment compensation acts, and has supervised that administration.

Although the case of *United States v. Butler* (297 U. S. 1, 1936) was adverse to the Agricultural Adjustment Act, it did hold that "the power of Congress to authorize the expenditure of public money for public purposes is not limited by the direct grants of legislative power found in the constitution." Discretion rests with Congress as to what is the general welfare (*Helvering v. Davis*, 301 U. S. 619, 1937); and neither a state nor an individual has a sufficient interest to contest the validity of expenditures by the United States (*Massachusetts v. Mellon*, 262 U. S. 447, 1923).

The powers granted to the national government are broadly granted and are unrestricted. During the past ten years, the United States Supreme Court has removed substantially all restrictions that previously existed. Efforts had been made for a number of years to find the existence of restrictions in the Tenth Amendment, but such efforts have ended by Mr. Justice Stone's statement for a unanimous Court in *United States v. Darby Lumber Co.* (312 U. S. 100, 1941) that "the amendment states but a truism that all is retained which has not been surrendered." The scope of national authority has become a question of governmental policy, and has substantially ceased to be one of constitutional law.

Of the national powers, the one most closely related to state and local governments is the power to expend for the "general welfare of the United States;" and this power has naturally been most important since the use of the flexible income tax. The states, both directly and through their representation in Congress, are most anxious to obtain federal subsidies, and are the most critical of such subsidies; for the hand that rules the purse-strings rules the nation.

The use of federal money in aid of what are regarded as state and local problems will increase rather than lessen. Congress has recently passed the National School Lunch Act, and this is but a step toward federal aid in establishing uniform efficiency in the public school system throughout the country. In a case involving the city of Cleveland (323 U. S. 329, 1945), the Court has recently sustained the federal low-rent housing program; but much greater support of the national government is necessary if there is to be a clearance of slums in our cities. With reference to federal expenditures for such purposes, it is complained that federal taxes in one state are much heavier than in another; but something of financial balance is obtained by the fact that the states whose cities need aid in slum clearance are not the ones which need public school aid, or which now receive greater aid in the financing of old-age assistance.

Coöperation is essential between the national government and states and local governments. More satisfactory coöperation among the several states is also necessary if they are to continue to exercise certain powers.

Commercial discriminations by one state against another forced the adoption of the Constitution, with its grant of power to Congress to regulate interstate and foreign commerce, and with its numerous specific restrictions upon state discriminations. But, in the absence of federal action, some possibilities of discrimination have remained, and it is natural that a state has sought to discriminate to its own advantage. For example, dairying states have promoted state and federal legislation to discourage the use of margarine. Cotton oil, the chief ingredient of margarine, is a product of cotton states, which naturally seek to retaliate. New York sought unsuccessfully to control the wholesale price of Vermont dairy products that were to be sold in New York. Local freight rates were sought to be established in Texas much lower than the rates to competing cities just beyond the borders of the state. Today many states have laws which hinder the free movement of farm products from other states; and state trucking legislation is in many respects discriminatory against trucks from other states.

State governments and their local units do more now than ever before, and cost more in proportion. But they have not developed an efficiency in accord with their increased functions and increased costs. In the field of local government, this efficiency can be accomplished only by a reduction in number and improvement in organization of local governing units which today largely find basis in conditions of more than one hundred years ago.

Where national coöperation or national supervision is necessary, it can be so arranged that it will not dominate state or local administration. But if this is to be done, state and local governments must show that they can perform their duties equally as well as, or better than, a single centralized governmental agency. In some cases, transfers of administrative control to Washington have been forced by state inefficiency. The citizen, who is at the same time a citizen of local governments and of state and nation, must exercise his rights as a citizen so as to obtain efficiency in state and local governments. If he succeeds, he can have little fear of reduction in importance of state and local governments. The most intimate duty

AMERICAN GOVERNMENT AND POLITICS

THE SECOND SESSION OF THE SEVENTY-NINTH CONGRESS

(January 14–August 2, 1946)

FLOYD M. RIDDICK

Washington, D. C.

When Congress adjourned *sine die* on August 2, 1946, it brought to a close its shortest session since 1939. The legislative activity for the year, however, was most important, meriting careful analysis. Representatives and senators had their first opportunity for a good rest since America's entrance into the war, and they also desired time to stage their respective political campaigns. Even at the time of adjournment, members of both parties realized that the election outcome was unusually uncertain, with the Republicans having their best chance since 1933 to gain control in both houses. Consequently, the Congressional leaders planned their program to allow the membership an early departure from Washington.

Most of the time and effort of the session were directed to the determination of whether many of the emergency controls authorized during the war should be continued, now that hostilities had ceased. The two most controversial issues were the labor problem and the extension of OPA, both of which were tied up with an extension of the war powers.

Many bills on labor were given consideration, and several precipitated prolonged fights. The most dramatic event of the year on Capitol Hill was the appearance of President Truman before a joint session of Congress on May 25, requesting "emergency power" to draft strikers in basic industries into the armed services in case other methods of avoiding strikes failed. In pursuance of his recommendation, a bill (H. R. 6578) providing for settlement of industrial disputes passed both houses in different forms, but was permitted to die on the Speaker's table, the House having refused to dispose of the Senate amendments. A "permanent" strike-control bill was passed and sent to the White House, but the President vetoed it; and the House sustained the veto. Two OPA extension bills were enacted, the President having vetoed the first one.¹

Organization. Changes in the organization of House and Senate during the session were insignificant. The leaders of the two political parties remained unchanged² with the exception of the Democratic whip of the House. Representative Ramspeck having resigned from the House, Representative Sparkman of Alabama became the new Democratic whip. The

¹ These bills are discussed later.

² See this REVIEW, Vol. 40, p. 257 (Apr., 1946).

is that of the citizen in the community in which he lives, but that duty is equally one as a citizen of the United States.

The citizen's most intimate contact is with regulation by his local governments, and by his state acting to a large extent through local governments. Regulation by the national government is more remote, as is contact with the agencies which enforce such regulation, although in some respects such contact has become and still remains intimate. Popular control must, however, to a large extent, operate upon the governments which are nearest to the individual, and the preservation of such control is dependent upon the maintenance of a substantial degree of independence in the state and local governments. Popular influence upon such governments is of little weight if they are dominated by instructions from the national capital.

The citizen can preserve a democratic national government through the preservation of efficient and democratic state and local governments, but he cannot preserve efficient and democratic state and local governments through the more remote influence which he may exercise as a citizen of the nation. A democratic system must rest primarily upon intimate relations with governments which are nearer to the home and more subject to intimate contact and control as a part of the citizen's daily life. He must and will have a sense of responsibility with respect to local policies and their accomplishment; and this feeling of individual responsibility must be preserved as a part of our governmental system. Such a relationship may be retained without interfering with the duties of national citizenship or with the functions of our national government, and without restricting the continued growth of such functions in fields which become national with the more intimate contacts from ocean to ocean through our still-developing methods of transportation and communication.

State and local governments must survive if we are to preserve our form of government; and they will survive if efficiently organized and administered, and if the states cooperate efficiently instead of seeking to discriminate against each other.

chairmanships of three standing committees of the Senate³ and five of the House⁴ were changed during the year. Party divisions remained practically the same.⁵

Procedure: General Aspects. While the proceedings of both houses were much the same as in all recent years, some aspects of their activity were most unusual; for example, the Senate's consideration of the FEPC bill was unique. Both bodies were continuously in session from the time Congress convened until *sine die* adjournment on August 2 without recessing for periods of any significant length.

Although the House and Senate were in session only 141 and 135 days, respectively, over a period of 201 days, the amount of printed material by the two houses and their committees was as great, if not greater, than in any previous session of Congress. The Joint Committee on the Investigation of the Pearl Harbor Attack alone issued 39 volumes of hearings, involving roughly 25,000 pages.

The proceedings of the two chambers printed out 10,921 pages of the *Congressional Record*, as compared with 12,722 and 9,940 for the previous two sessions. Of the 10,921 pages, the House proceedings consumed 5,789 pages and the Senate proceedings 5,132.⁶

The actual legislative activity of the two bodies can be comprehended most vividly through an examination of the following table of bills debated by the House and Senate for more than three pages each of the *Record*. In calculating the number of pages that a bill was debated, all proceedings, including reproductions of bills and amendments, were counted.

These data show that while this session was the shortest in several years, the number of bills debated for three or more pages was much the same. The number of bills debated over 150 pages each exceeds that of any year since 1940. While 1,098 bills and resolutions were passed by the Senate

³ The three changes in standing committee chairmanships of the Senate were: McKellar to the chairmanship of Appropriations; Chavez, Post Office and Post Roads; and McFarland, acting chairman of Irrigation and Reclamation.

⁴ The five changes in standing committee chairmanships in the House were: Randolph to chairmanship of Civil Service; McMillan of S. C., to District of Columbia; Lesinski, to Immigration and Naturalization; Kelley of Pa., to Invalid Pensions; and O'Brien of Mich., to Post Office and Post Roads.

⁵ See *Official List of Members of the House of Representatives* for January 10, 1946, 79th Cong., pp. 12, 13, and 15. The party division at the beginning of the first session of the 79th Congress was as follows: Senate: 57 Democrats, 38 Republicans, 1 other; in the House: 243 Democrats, 190 Republicans, and 2 others. This compares with the following figures for the beginning of the second session of the 79th Congress: in the Senate: 56 Democrats, 39 Republicans, 1 other; in the House: 233 Democrats, 190 Republicans, 2 others, and 7 vacancies.

⁶ Speeches and materials never delivered in the House, but incorporated in the *Record* under "leave to print," involved 5,266 pages of appendix.

during the session, only 58 were controversial enough to justify three or more pages of discussion; the other 1,040 were passed under unanimous consent procedure, by voice vote, or "without objection." Of the 1,183 bills and resolutions passed by the House, only 113 involved three or more pages of debate. Nearly all of the others were passed under unanimous

TABLE I
BILLS DEBATED FOR THREE OR MORE PAGES OF RECORD

Pages Debated	77th Congress		78th Congress				79th Congress			
	Second Session 1942		First Session 1943		Second Session 1944		First Session 1945		Second Session 1946	
	House	Senate	House	Senate	House	Senate	House	Senate	House	Senate
3-5	20	12	10	10	9	4	7	4	14	6
5-10	26	16	16	13	12	15	30	15	25	11
10-15	10	5	24	11	12	4	13	13	20	4
15-20	13	2	7	5	10	3	7	2	16	7
20-25	5	5	3	5	10	1	12	5	3	8
25-30	3	5	6	3	2	2	8	3	7	3
30-35	3	1	3	2	4	0	10	3	4	1
35-40	4	0	5	0	1	2	1	1	3	0
40-45	3	1	1	1	1	1	0	0	1	2
45-50	1	0	1	1	5	1	3	2	2	1
50-60	5	4	5	5	5	1	4	4	3	2
60-70	1	2	4	1	3	2	5	3	3	2
70-80	3	1	3	1	4	1	1	1	1	1
80-90	1	0	1	0	1	0	0	2	2	1
90-100	1	1	2	1	0	2	2	2	1	0
100-125	0	3	4	6	3	2	6	2	0	2
125-150	2	1	2	0	0	1	1	2	1	0
150-175	0	3	1	1	1	1	0	1	2	0
175-200	1	0	0	0	1	1	1	0	2	1
200-300	0	0	1	2	2	3	1	1	1	2
300-400	0	0	0	0	0	0	0	0	0	3
400-600	0	0	0	0	0	0	0	0	0	1
500-600	0	0	0	0	0	0	0	0	0	0
Totals	102	63	101	68	88	47	120	66	113	58

consent procedure, by voice vote, or "without objection." Hence, most of the legislative debate was directed to a few major issues.

The bill debated at greatest length during the session was that providing for extension of price control (S. J. Res. 138), the discussion of which took 17 days in the Senate and six in the House, involving over 568 pages of the *Record*.¹ The so-called Case bill on the mediation of labor disputes (H. R. 4908) was the second longest-debated measure, involving 561 pages of the

¹ The issue of extending price control was debated by the two houses for a much longer period of time, H.R. 6042 having been passed by both houses and vetoed before either house began consideration of S. J. Res. 138. The Senate debated H. R. 6042 for 326 pages over a period of seven days, while the House discussed it for 169 pages over a period of six days.

Record. The Senate debated the bill to make the FEPC a permanent agency of the government over a period of 18 days, involving 419 pages of the *Record*.

Senate Procedure. The legislative procedure of the Senate, though for the most part normal, at times became both exciting and unprecedented. The very first bill called up for consideration was S. 101, to make the FEPC a permanent government agency. The Southern senators immediately mobilized to engage in a protracted filibuster, which continued from January 18 through February 9, at which time the bill was put back on the calendar after a motion to invoke the cloture rule was rejected by a vote of 48-36.⁸

The bill, however, was pending before the Senate for a very short time; actually most of the debate was directed to procedural motions instead of to the bill. The Senate having adjourned (3:42 p.m.) instead of recessing on the first day when the FEPC was considered, the next day, when the Journal was read for approval, Senator Overton made a motion to amend the Journal to include the Chaplain's prayer. This motion occupied the Senate until Senator Hoyer of North Carolina moved to amend the Journal to insert the names of senators who failed to answer a certain quorum call. This motion remained the pending business until Senator Barkley moved to act on a petition to invoke the cloture rule. Barkley's motion was ruled out of order on the basis that the rule did not apply to matters pertaining to the Journal.⁹ An appeal taken from the decision of the chair occupied the Senate through February 7.¹⁰

The debates on several other bills were characterized as filibustering, since it was held that organized minorities were engaging in unnecessary debate of certain bills to prohibit the Senate from reaching votes of passage on them. In fact, three petitions were filed to invoke the cloture rule,¹¹ but to no avail since the necessary two-thirds vote was not forthcoming.

⁸ Senator Chavez obtained recognition on Jan. 17 after the morning business was dispensed with and moved consideration of S. 101; the motion having been made before 2 P.M., it was not debatable and upon a roll-call vote, the motion carried by 49-17. In the vote on cloture, 22 Democrats, 25 Republicans, and 1 other voted for while 28 Democrats and 8 Republicans voted against. For "FEPC—A Case History in Parliamentary Maneuver," by Will Maslow, see *Chicago Law Rev.*, Vol. 13, pp. 407-445.

⁹ When Senator Barkley endeavored to invoke the cloture rule the first time, Senator Russell made a point of order that a motion to conclude debate on Senate Bill 101 was not in order since the Senate was debating the Journal and not S. 101.

¹⁰ The appeal was never voted on, since at a later date Senator Barkley was given unanimous consent to withdraw the motion taking the appeal. See *Congressional Record*, 79th Cong., 2nd sess., p. 1089, for Feb. 7, 1946 (hereafter cited as C.R. 79-2). See also *Governmental Affairs* from Jan. 17 through Feb. 9.

¹¹ Petitions were filed to invoke the rule on S. 101, FEPC; H. R. 7, anti-poll tax; and H. R. 4908, Case bill on mediation of labor disputes.

During discussion of these three petitions, however, there was much talk and controversy as to the use of cloture.²²

As in recent previous sessions, the Senate limited debate by unanimous consent on various occasions. Such a unanimous consent agreement was put in the form of writing and printed in the *Record* on May 9th.²³ Extensive serious consideration was given to amending the existing cloture rule so that it would be easier for the Senate membership to "snap a fight" in Senate debate.²⁴

To expedite business and bring legislative proposals to a vote, Senator Berkeley continued his insistence against the procedure of "yielding time." He told the Senate, during debate on the Labor bill, that he would make a point of order against any senator who told the floor he "earned it out" to others for speeches. He called this a "vicious practice" and "a violation of the rules" declaring that during April and May the procedure had gone to extremes that he had never before witnessed.

In opposition to limitation on freedom of debate, Senator Russell stated: "The suggestion has been made during the debate that the majority of the Senate could ever take a Senate off the floor if they thought that an amendment being offered was frivolous or that his remarks did not appeal to the majority. If we are to start restricting near the Union of the States and the rights of individual Senators by adopting cloture, we shall move on to the time when the majority can silence a Senator. His remarks do not appeal to the majority, we should adjourn the Senate *cine dore* and go out of that door and place above it a bronze plaque having on it the words: 'Here fell the last citadel of individual rights in an authoritarian world, betrayed by those elected and sworn to defend it. February 9, 1916.' " (C.R., 70-2, Feb. 8, 1916, p. 126.)

Senator Berkeley's role to the Senate as President, in my capacity as a member of the Senate, and in my capacity as majority leader of the Senate, I have always assumed the attitude that any committee of the Senate, after giving careful consideration to any measure, and after reporting the measure to the Senate and placing it upon the Calendar, is entitled to have the measure considered by the Senate and voted upon. . . . to the end I have sought to cooperate . . . in bringing about the fair and just consideration of every measure reported by a committee. (C.R., 70-2, Jan. 2, 1916, p. 328.) Following a defeat on a motion to invoke cloture, Berkeley stated: "Much as I regret the result of that vote, I have indicated my intention to accept that vote as a final word whether the bill could ever be brought to a vote, and I do except it." (C.R., 70-2, Feb. 8, 1916, p. 126.) For a list of votes to invoke cloture, see C.R., 70-2, Jan. 31, 1916, p. 547.

²² C.R., 4773.

²³ Berkeley complained on various occasions during this year that senators were consuming too much time unnecessarily in the debate of various issues. For example, he protested the length of the debate on the British loan, holding that much of the discussion was superfluous and only time-consuming. He complained about the difficulty of invoking the existing cloture rule and said that a regulation as suggested destroyed the Democratic process of majority rule. Senate Republican leaders in December agreed to seek an amendment to the rule. Senator Taft, after a Republican Steering Committee meeting, said that Senator Sutherland was delegated to draw up a proposal to amend it "to the various dilatory methods of preventing its application can be eliminated." See C.R., 70-2, May 21, 1916, p. 5421.

On July 27, the Senate eulogized and paid tribute to Senator Taft on his eightieth anniversary as majority leader of that body. According to Senator George, this was the longest that any person has served in that capacity.¹⁴

Personalities played no small part in Senate procedure during the session, with a much smaller membership than the House, personalities became more important. The identitive fights between Senators Barkley and Taft were most significant, particularly that over the extension of OPA. Senator Taft, during the consideration of the second bill to extend OPA (H. J. Res. 371), accused Barkley of "downing a substitute amendment because OPA's initiator Paul Porter had said that could not be done." He said that Mr. Barkley had offered the amendment in committee. Senators Murray and Taft had a verbal fight in the Education and Labor Committee, the argument starting when Murray, making an opening statement at the beginning of hearings on a public health measure (S. 1616) passed in the *Record* an editorial from the *Washington Post* praising Senator Murray resigned his membership from the Committee on Education and Labor on July 27 in protest against reference of the Education Disparities Act (H. R. 6515) to the Interstate Commerce Committee instead of to the Education and Labor Committee. His action was reconsidered, however, after various senators in a subsequent session rebuked him on his qualifications and "lamented his loss to the committee," the Senate. Murray's bitter over the matter, and even charged that President Truman was "hamstringing" in making his address on May 27 to a joint session of Congress.

House Procedure. The House used various parliamentary procedures in carrying on its legislative program. Approximately 300 bills and resolutions were passed under unanimous consent procedure or "at little or no discussion." The other 300 were passed by one of the following methods: special rules, suspension of the rules, Calendar Wednesday, privileged business because of the nature of the bills, and District of Columbia business. As indicated in the preceding table, nearly all of the time of the session, however, was consumed in the passage of bills. Fifty-nine special rules providing for the consideration of 51 bills were called for and acted on by the House, but only 57 were adopted.¹⁵ The Rules Committee actually reported 91 rules providing for the consideration of certain bills of legislation; but one was recommitted (H. Res. 675), one

¹⁴ See C.R., 78-2, pp. 10266-10267.

¹⁵ Washington News Service—ticker—May 27, 1946.

¹⁶ The committee's business on Content and Private Calendars.

¹⁷ The rules were granted on each of five bills, making the total number of bills considered under special rules 54 instead of 50. During the last previous session, the House adopted 54, the largest number ever adopted during a single session of Congress. See *Public Review*, Vol. 40, p. 262, note 23.

failed of passage (H. Res. 452), 19 were "laid on the table,"¹² and 13 were left on the Calendar when Congress adjourned.

An analysis of the 57 rules adopted shows that 48 provided for the immediate consideration of 48 bills. All but 13 were open rules, merely giving otherwise unprivileged business the right of way for House consideration; two were absolutely closed (so-called "gag" rules);¹³ with 11 others waiving points of order against the bills for which the rules provided consideration. Of the 54 bills and resolutions for which rules were reported to the House, 42 became public law, three passed the House but died in the Senate, two passed both houses in amended form but were never cleared for the President, three passed both houses but were vetoed, three were killed by the House, and one rule was defeated, thus preventing consideration of the bill.

On the positive side, these results show that the Rules Committee was not used solely to carry out the program of the majority party; on the negative side, the Committee refused to grant rules on various bills including the FEPC and the Kefauver bill to amend the anti-trust law relative to the purchase of assets (H. R. 4810 and H. R. 5535). In several other instances, the committee granted rules only after prolonged fights.

Only two bills were passed under the Calendar Wednesday procedure. The calendar of committees under the Calendar Wednesday rule was called on June 5, 12, and July 10, during which time the Banking and Currency, Coinage, Weights and Measures, Interstate and Foreign Commerce, and Rivers and Harbors Committees were called to bring up their otherwise unprivileged business. On June 12, two bills were called up by the Committee on Interstate and Foreign Commerce (H. R. 184 and H. R.

¹² These were laid on the table because the legislation for which they provided was brought up under a more expeditious procedure; 14 becoming public law, 4 passing the House only, and the other one being killed by veto.

¹³ The rule (H. Res. 500) which provided for the consideration of H.R. 4908, the Labor Fact Finding bill, not only waived points of order, but provided that after the first paragraph of H.R. 4908 had been read, it should be in order to move to strike out all after the enacting clause and substitute H.R. 5262 therefor and then read it for amendments, waiving all points of order against it. H.R. 5262 had not been considered by any committee; H.R. 4908 had been reported by the Labor Committee. This rule was criticized on the ground that it took away the jurisdiction of the other standing committees. Another rule (H. Res. 710) not only waived points of order and set the general debate at one hour, but provided: "The bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but such amendments shall not be subject to amendment." *C.R.*, 79-2, July 24, 1946, pp. 9961-2.

6030) and passed. On July 12, the Rivers and Harbors Committee called up a bill (H. R. 6024) under this procedure, and it was debated for much of the day, but never passed. Attempts were made on several other Wednesdays to dispose of Calendar Wednesday business, but without success. Proponents of the FEPC bill (H. R. 2232), having failed to get their bill before the House under the discharge procedure or under a special rule, pursued the strategy of trying to force a call of the committees under the Calendar Wednesday rule until the Committee on Labor was reached. This plan anticipated that the chairman of the Labor Committee would bring up the FEPC bill if and when that committee was called. Opponents of the legislation understood the scheme and successfully blocked its operation.²¹

During the session, 15 bills were passed under the suspension of rules procedure; two others were called up, but failed of passage.²² Of the 15 bills passed, 12 became public law; the others died in process. Under this procedure, the sole power of recognition is lodged with the Speaker, bills may be debated only 40 minutes, and amendments are not in order.²³

No bills were passed from the Discharge Calendar. Two petitions²⁴ received the necessary 218 signatures, but both passed the House under special rules.²⁵

All of the appropriation bills were called up by the authorized members of the Appropriations Committee under their own right as privileged business, and many District of Columbia bills were passed on the second and fourth Mondays under Rule XXIV, defining procedure for the disposition of District business.

The members frequently resorted to dilatory tactics to block legislative action. On August 1, for example, seven roll calls on procedural motions were provoked merely to prevent a vote on a contempt resolution. Many members took the floor during the session to raise the question of "personal privilege," with frequent result of heated and personal remarks.²⁶

²¹ See House proceedings for May 15, June 5, 12, and 19.

²² See procedure on H.R. 6917 and S. 1414.

²³ See *C.R.*, 79-2 for May 25, pp. 5862-71. The President's Industrial Disputes Act (H.R. 6578) was passed under this procedure.

²⁴ These petitions were filed to discharge the Interstate and Foreign Commerce Committee from further consideration of H.R. 1362 (railroad retirement bill) and the Military Affairs Committee from further consideration of H.R. 4051 (service-men's accumulated leave bill). See *C.R.*, 79-2, for April 17 and 18, pp. 4018, 4008. Seventeen petitions were filed, but only two received the necessary 218 signatures.

²⁵ After the necessary 218 signatures had been affixed to the petition on H.R. 1362, the Interstate and Foreign Commerce Committee reported out its version of the bill, blocking operation of the discharge rule. It is interesting to note, however, that the House finally passed the introduced version of the bill instead of the Committee's reported version.

²⁶ See, for example, *C.R.*, 79-2, Feb. 27, pp. 1769-71.

Indulgence in personal remarks was, indeed, not uncommon, and on a few occasions members nearly came to blows.

The Ways and Means Committee had quite a time reaching a final agreement on the Social Security payroll tax. After much laboring, the committee first reported out H. R. 6911, setting the tax at $1\frac{1}{2}$ per cent; observers thought this a final decision, at least as far as the House was concerned. Suddenly, the committee reconsidered its action and reported out a substitute, H. R. 7037, setting the rate at one per cent, which became law. The second bill was called up on the floor under a special rule prohibiting any amendments to the bill except those offered by the committee, for which the committee was criticized.²⁷

Legislative Activity. A total of 967 laws were enacted, of which 440 were public and 527 private; these figures show an increase over those for the first session.²⁸ The House passed 1,183 bills and resolutions, and the Senate 1,098.²⁹ Eighty-six bills and resolutions, having passed the two

²⁷ Representative Cooley inquired: "If the Committee on Ways and Means exercises their right to change their mind, why does the committee want to prevent the House from exercising the right to change its mind and adopt the first bill that you approved in committee?" Note further comments by Mr. Jenkins: "I will give you my opinion. Of course, I cannot speak for the other 24 members of the committee. Here was the problem: We went along in the beginning to include within the bill only those matters that were noncontroversial. This variable-grants matter was a controversial matter, and we decided not to include it. Then there was the $1\frac{1}{2}$ per cent matter. When we were giving consideration to increasing this contribution to $1\frac{1}{2}$ per cent, we were considering bringing additional groups under coverage. When we decided not to bring in these additional groups, we decided not to raise the contribution to $1\frac{1}{2}$ per cent. These are some reasons why the committee changed its mind." See C.R. 79-2, p. 9968, 9976 for July 24.

²⁸ During the first session, 658 laws were enacted, of which 293 were public and 365 private.

²⁹ Each chamber played a more important rôle in legislative activity than these figures show. Of the 1,183 measures passed by the House, 720 were House bills, 222 Senate bills, 28 House joint resolutions, 10 Senate joint resolutions, 13 House concurrent resolutions, 15 Senate concurrent resolutions, and 175 House resolutions. (In the first session of the 79th Congress, 1,164 measures were passed.) During the second session of the 79th Congress, 2,566 bills and resolutions were introduced in the House, of which 2,128 were House bills, 97 House joint resolutions, 50 House concurrent resolutions, and 291 House resolutions. (In the first session of the 79th Congress, 5,995 bills and resolutions were introduced in the House.) House committees made 1,258 reports.

Of the 1,098 measures passed by the Senate in the second session of the 79th Congress, 254 were Senate bills, 720 House bills, 16 Senate joint resolutions, 27 House joint resolutions, 15 Senate concurrent resolutions, 13 House concurrent resolutions, and 63 Senate resolutions. (In the first session of the 79th Congress, 1,005 measures were passed.) During the second session of the 79th Congress, 977 bills and resolutions were introduced in the Senate, of which 779 were Senate bills, 60 Senate joint resolutions, 27 Senate concurrent resolutions, and 111 Senate resolutions. (In the first session of the 79th Congress, 2,118 bills and resolutions were introduced in the Senate.) Senate committees made 1,041 reports.

brought in substantially different forms, were sent to conference for compromise.³⁶ All but three were cleared for enactment.³⁷ Five were left in conference at the close of the session.³⁸ Conferences actually filed (reported out) 31 conference reports, but eight of the 91 bills on which the reports were filed were sent to conference in 1945. Many additional measures on which action was taken, but which failed to reach conference stage, were permitted to die.

Appropriations. Twenty-one regular, supplemental, and deficiency appropriation bills involving a total of \$34,794,462,114 of direct appropriations were enacted; this compares with \$70,237,289,173 appropriated during the previous session. The budget estimates submitted to Congress by the President totaled \$26,469,059,681. The bills involved contract authorizations totaling \$441,250,000, and estimated reappropriations of unexpended funds totaled less than half a billion dollars. Congress passed three bills to refund \$56,887,893,046 in direct appropriations and \$4,848,881,830 in contract authorizations.*

Hence, the appropriations during the current session were less than in any year since the beginning of the war. In reporting the supply bills, the appropriations committees were critical of various departments for inefficiency and waste.³⁹ In the House report on the State-Justice-Commerce Appropriations Bill for fiscal 1947 (H. R. 6056), the Appropriations Committee stated that there seemed to have developed within the Federal agencies a "spending psychology" which "must be eliminated." It continued: "A concerted effort must be made by all concerned to reduce the cost and limit the size of our government."⁴⁰

P 35421

* Reports were filed on eight additional bills which were sent to conference in the latter part of 1945, but were left pending in conference when the first session adjourned.

³⁶ Three of the bills cleared for enactment were vetoed by the President, 16 of the 86 bills sent to conference were private measures.

³⁷ Two of these were sent to conference in the first session (Sec. H. R. 1732 and H. R. 2180); the other three were sent in this session (H. R. 2287, 8576, and 4280).

³⁸ In congratulating the House committee for curbing the amount of funds to be appropriated in one bill, Representative Ritzky stated: "May I say that perhaps the country got somewhat of a new lease on life when it read the AP dispatches this morning to the effect that the Appropriations Committee had actually commenced to do something about balancing the budget and getting back to a peacetime basis. The thing that disturbed me, however, is not the fine work the gentleman's committee has done in this respect, but so many times I find that we are only doing a lot of shadow-boxing on bills of this kind. We go ahead and do our duty here in the House, we have on our calendar appropriation bills; but what is going to happen when the horse-trading starts over on the other side of the Capitol? Is the committee that has brought in this bill today, when the horse-trading is through over there, going to stand pat, if we may use an expression that we use down in Oklahoma, when this thing comes before conference, or are we just doing some shadow-boxing today for the benefit of the country?" See C.R., 79-2, May 8, 1946, p. 4723.

³⁹ House Report 1480.

The committee, in this particular report, pointed to the fact that much of the enabling legislation under which federal agencies operate was either too antiquated to serve existing needs or so broad "as to enable them to justify almost any conceivable activity." Also it was urged that the Budget Bureau seek greater coordination of federal agencies, since "there is too much duplication of effort."

The Interior Department was severely hit. The House Appropriations Committee voted that the increased estimates in total appropriations and in man-years was not justified. The committee criticized the "inefficient" administration of Secretary Ickes and declared it was hopeful "that under the dynamic leadership of Secretary Krug, the Department will be placed on a more efficient basis, and that he will replace inefficiency and extravagance in certain agencies with economy and efficiency." The Budget estimates for the bill totaled \$350,357,230; as passed by the House, it provided for only \$179,426,847; the Senate increased the amount to \$341,890,763; and the conferees finally agreed upon \$247,161,000—the amount which became law. This was the greatest cut that any departmental supply bill has suffered in a number of years.

Nearly all of the general appropriation bills as enacted carried a "rider" providing that "no part of any appropriation contained in this act shall be used to pay the salary or wages of any person who engages in a strike against the government of the United States or who is a member of an organization of government employees that asserts the right to strike against the government. . . ." ³⁴

For the first time, Congress enacted an appropriation bill (H. R. 6777) ³⁵ to appropriate funds for government corporations.

The Treasury-Post Office Appropriation Bill was held up until mid-July because of a deadlock between the House and Senate over the silver issue. The House favored keeping the price of silver at 71.11 cents an ounce; the Senate favored raising the price to 90.3 cents immediately, and to \$1.29 an ounce after two years. The conferees of the House and Senate appropriations committees were unable to reach a compromise. In the face of this impasse, the Senate passed an earlier approved House measure (H. P. 4590), which had been lying idle in the Senate since December 19, 1945, providing for 90.3 cents an ounce instead of 71.11 cents as approved by the House. The bill was then sent to conference, with a new set of conferees, this time from the two Banking and Currency Committees. The new House conferees gave in to those of the Senate, accepting the

³⁴ A "rider" in a 1944 appropriation bill which required the dismissal of three government employees was held unconstitutional by the Supreme Court in 1946. See this REVIEW, Vol. 38, p. 310, note 35.

³⁵ This was in pursuance of Pub. Law 248 of this Congress to force budgetary accounting for government corporations.

figure 90.5 cents; the compromise was agreed to by both houses; and it became law.

Representative Halleck criticized the Appropriations Committee for assuming matters within the jurisdiction of the legislative committees. He stated that in recent years we have seen a procedure develop under which the Appropriations Committee, by making appropriations for agencies and functions not authorized by law, in truth and in fact, usurps many of the responsibilities, duties, and powers of other committees.

Investigating Committees. Many investigations by both select and special committees of the House and Senate were in process. In addition to the 27 authorized by the House and 23 by the Senate in the first session of the 79th Congress,³⁶ the House and Senate adopted four resolutions each, authorizing an equal number of new investigations.³⁷ Some action was taken by both House and Senate to establish a joint committee to investigate the labor problem, but a resolution to this end was never finally agreed to by both houses. Perhaps the busiest investigating committee of the session was the Joint Committee on Investigation of the Pearl Harbor Attack.

The twelve-man joint committee on organization of Congress finally filed its report and a special committee was set up by the Senate to consider such proposed legislation. After much time and effort, and in the closing days of the session, Congress enacted S. 2177, to authorize congressional reform.³⁸

The Senate as a Council. Nominations received by the Senate during the session totaled 25,966, of which 25,585 were confirmed, six withdrawn, and 375 left unconfirmed.³⁹ This is the largest number of nominations ever submitted to the Senate in a single session of Congress. Yet all but a few were confirmed; not a single one was rejected. Further, many of these nominations were for major positions in the Administration—for example, Fred M. Vinson, to be Chief Justice of the United States, and James K. Verdaman, Jr., of Missouri, to be a member of the Board of Governors of the Federal Reserve System. A few of the nominations were debated for

³⁶ For names of these committees, see this REVIEW, Vol. 40, p. 267.

³⁷ The subjects of investigation authorized by the Senate during the session were: Insolvent Railroads (S. Res. 192); Reorganization of the Legislative Branch (S. Res. 260); Senatorial Campaign Contributions and Expenditures in 1946 Election (S. Res. 224), and Social Security (S. Res. 320). The subjects of investigations authorized by the House during the session (in addition of those established in the last session) were: Transportation Situation (H. Res. 318); Surplus Property Disposal (H. Res. 383); Espionage Cases (H. Res. 439); and Congressional Campaign Contributions and Expenditures (H. Res. 645).

³⁸ This was one of the most notable achievements of the session, but, being generally familiar, is not discussed here.

³⁹ See *Civilian Nominations*, compiled by L. W. Bailey, executive clerk for secretary of the Senate, pp. 1-231.

one or more hours, but, by and large, the procedure on confirmation was merely routine. The most warmly contested nomination of the session was that of Edwin W. Pauley to be Under Secretary of the Navy. The nomination never came to a vote in the Senate; opposition grew so strong that the President finally withdrew Mr. Pauley's name, stating to him that "my faith in your integrity and your ability" is retained.

Treaties consumed very little of the Senate's time. During the session, the President transmitted nine treaties, of which eight were agreed to. Four others which had been submitted during the first session, but left unfinished, were also approved. While there was little or no general debate, a few received much attention from the Foreign Relations Committee, even though relatively non-controversial.⁴⁰

Most unusual was the Senate's procedure in disposing of Senate Resolution 196 for participation in the World Court, in that the resolution was adopted in the absence of any treaty or communication from the executive. Likewise, the Senate began consideration of the resolution in legislative session, and after debating it for some time, resolved into executive session so as to give the instrument more of a treaty sanction.⁴¹ In the end the resolution was adopted by a vote of 60-2, after approval of an amendment (by a vote of 51-12) allowing the United States the right to refuse jurisdiction on questions deemed purely domestic.

The Administration and Congress. The President submitted the Administration's legislative program to Congress in his combined state of the Union and budget message on January 21, 1946. Subsequent communications were sent to emphasize the need for, and to urge the enactment of, particular measures.

Mr. Truman, however, was not too successful in getting his recommendations enacted. Many bills introduced in pursuance of his recommendations were finally enacted, but most of them were modified, in varying degree, before becoming law. They include: control of atomic energy (P. L. 585); the \$3,750,000,000 loan to Britain (P. L. 509); return of employment services to states as of November 16, 1946 (P. L. 549);⁴²

⁴⁰ In connection with the double taxation treaties with Great Britain, Canada, and Northern Ireland, Senator LaFollette served notice on the Senate that he would oppose similar taxation treaties in the future unless committees of Congress had a part in drafting them. He declared the present practice bad, permitting the Treasury to conclude treaty agreements with a foreign government, and then requiring the Senate to vote them up or down. See Washington News Service—ticket—June 1, 1946.

⁴¹ See Senate proceedings for July 31 and August 1 and 2 in the *Daily Cong. Rec.*, 79th Cong., 2nd Sess.

⁴² The President wanted the USES to remain under the federal government until June 30, 1947, and then to be returned under conditions which would give a federally supervised system.

federal airport legislation (P. L. 377); pay increase for government employees (P. L. 399); full employment (P. L. 304);⁴² veteran's emergency housing (P. L. 388); extension of price control (P. L. 548); ship sales bill (P. L. 321); school lunch program (P. L. 396); extension of the Second War Powers Act as modified (P. L. 475);⁴³ stock piling of strategic materials (P. L. 520); Selective Service extension (P. L. 379 and 473); veteran's benefits and federal aid for hospitals and public health centers (P. L. 725). The Administrative Procedure Bill (S. 7) became law, and with the complete support of President Truman.

On the other hand, many important recommendations of the Administration were not enacted, including self government for the District of Columbia;⁴⁴ educational aid;⁴⁵ labor disputes fact-finding boards;⁴⁷ fair employment practices;⁴⁸ food nutrition relief; health and medical care;⁴⁹ repeal of the Johnson Act;⁵⁰ minimum wage increase;⁵¹ national housing program;⁵² presidential succession;⁵³ scientific research;⁵⁴ extension of so-

⁴² As it finally became law, and in contrast with the Senate-passed version, this legislation nowhere used the term "full employment" nor reflected the philosophy that it is the federal government's responsibility to assure full employment by federal investment and spending. It emphasized, rather, the part that the federal government can play in enabling private enterprise to supply more opportunities for employment. The President, on the other hand, had supported and urged the enactment of the Senate version.

⁴³ Some of the powers were eliminated, and the act extended other powers only until March 31, 1947, except for a section authorizing the allocation of building materials, which was extended to June 30, 1947.

⁴⁴ S. J. Res. 9. The Senate Judiciary Committee held hearings on it.

⁴⁵ S. 131 and H. R. 1296. Extensive hearings were held on these two bills, and S. 131 was reported.

⁴⁶ H. R. 4908. As reported to the House by the Committee on Labor, this bill embodied primarily the recommendations of the President, but when the House acted it substituted the language of the Casa bill (H. R. 5262) for that of the President's recommendations. The Senate passed a modified version of H. R. 4908 but all traces of "fact-finding legislation" had been eliminated. The President then vetoed the measure (House Doc. 651).

⁴⁷ S. 101 and H. R. 2232. Both bills were reported to the respective houses. By the use of filibuster, the Senate blocked passage of S. 101; the House never reached consideration of H. R. 2232, proponents having vainly employed every means of getting action on it.

⁴⁸ S. 1606 and H. R. 4730. Extensive hearings were held on these bills.

⁴⁹ H. R. 690 and S. 636. The House Foreign Affairs and the Senate Finance Committees studied the respective proposals.

⁵⁰ S. 1349 and H. R. 4130, to amend the Fair Labor Standards Act of 1938. The Senate passed S. 1349 with amendments, but the House refused to give it further consideration. H. R. 4130 was reported, but was killed when the Rules Committee refused to grant a rule for its consideration.

⁵¹ S. 1592. The Senate passed the bill with amendments, and the House Committee on Banking and Currency held hearings on it.

⁵² H. R. 3587. This bill passed the House, but the Senate refused to give it con-

cial security and health;⁵⁵ small business;⁵⁶ St. Lawrence waterway;⁵⁷ territories and insular possessions; unemployment compensation;⁵⁸ unification of armed forces;⁵⁹ expansion of crop insurance; Missouri Valley Authority;⁶⁰ and universal military training.⁶¹

The House and Senate did not give the President full support in his reorganization plans, submitted in pursuance of Public Law 203 of this Congress. The House rejected all three plans submitted,⁶² while the Senate rejected Plan I⁶³ only. Hence Plans II and III became effective at midnight, June 15.

The President on different occasions urged that Congress do something about increasing minimum wages, and the Senate passed such a bill (S. 1349), amended. The Senate-passed version, however, included the amendment affecting farm parity prices, which the President had designated as not acceptable to him, and if enacted, to be vetoed. Likewise, the language of the Senate-passed version relating to the exclusion of retail and service establishments from the wage and hour section of the original act was so confusing as to make it impossible to determine any definite legal effect. The bill was so amended that several discrepancies in

consideration. S. Con. Res. 50, for studying the problem of presidential succession, passed the Senate, but the House refused consideration of it.

⁵⁵ S. 1530. Passed the Senate amended after Senate committees had worked months to report a compromise version.

⁵⁶ Companion versions were pending in both houses, but neither was ever given consideration. During the latter part of the session, H.R. 7037, primarily to freeze payroll taxes at one per cent through 1947, and to grant veteran's benefits, became law.

⁵⁷ S. 1177. This bill passed the Senate, but died on the House Calendar. There was much talk of additional small business legislation, but nothing ever materialized.

⁵⁸ H.R. 104. The Foreign Relations Committee reported this bill, but it died on the Senate Calendar.

⁵⁹ S. 1270. This bill passed the Senate in the first session, but nothing further was done about it.

⁶⁰ S. 2042. This bill was reported to the Senate without further action. The President was unable to get the Services in complete accord on any bill or program.

⁶¹ S. 655. Hearings were held on this bill during the first session.

⁶² Several bills were introduced and considerable testimony was taken on the subject, but neither house took any action.

⁶³ By a vote of 180-37, the House disapproved Plan I, making the wartime established National Housing Agency permanent; by a vote of 166-40, it rejected Plan II, transferring various activities to the Federal Security Agency, abolishing the Federal Security Board, and transferring its functions to the Federal Security Administration; and by a 2-1 vote it rejected Plan III, to make a large number of minor changes in various departments and establishments, looking to an improvement and simplification of administration.

⁶⁴ This action was unexpected, since the Senate had approved the principal features of the plan when it approved the National Housing Bill (S. 1592).

terminology were apparent. The House never gave the Senate-passed version any consideration, and a bill on the same subject reported to the House was never considered. Further, support for the parity amendment was just as strong in the House as it was in the Senate. Thus the bill was permitted to die without reaching the President.

Next to labor legislation, OPA extension was the most controversial and debated proposal of the session. The first bill (H. R. 6042), after prolonged consideration, was passed in a form unacceptable to the President. In vetoing it, Mr. Truman declared that it would destroy the price control and stabilization program. The House sustained the veto by 173-142. Of the 173 voting to override the veto, 68 were Democrats and 105 Republicans; of the 142 voting to sustain, 90 were Democrats, 50 were Republicans, with two other members voting in the affirmative. Congress subsequently passed a second OPA extension, which the President also declared unacceptable, but which he signed since he felt it was that or nothing.

Various representatives and senators were rather critical of the President for not reducing the numbers of government personnel; and it was only after a definite plan for reduction had been reached that Congress cleared the bill providing for pay increases for government employees. Three members of the House called for the removal of CPA Administrator Small as a result of his statement calling for emergency legislation to outlaw strikes for six months. Others publicly defended him. Senator Stewart of Tennessee, of the Senate Small Business Committee, demanded that Price Administrator Paul Porter immediately discharge Deputy Price Administrator Baker because of his statement: "Most business men are chisellers and people of bad reputation and a few are honest business people." A group of members of the House Military Affairs Committee criticized the State Department for retaining in its employ "pro-Russian" sympathizers.

During the session, President Truman vetoed 49 bills, and no one of them became law over a veto. The House made three attempts⁴⁴ to override vetoes, and in each instance a majority voted favorably, but with the necessary two-thirds in no case forthcoming. Sixteen vetoes were of the pocket variety.

⁴⁴ H.R. 4908, Case labor bill; H.R. 6042, price control, and H. J. Res. 225, to quiet state titles to tidewater lands and lands beneath navigable streams. H.R. 4908 was sustained by a vote of 255 yeas, 135 nays; H.R. 6042, by a vote of 173 yeas, 142 nays; and H.J. Res. 225, by a vote of 139 yeas, 95 nays.

RURAL LOCAL GOVERNMENT

COUNTY AND TOWNSHIP GOVERNMENT IN 1945*

CLYDE F. SNIDER AND NEIL F. GARVEY

University of Illinois

Problems of rural local government received considerable attention during 1945 from state legislators, constitution-makers, and the public in general. There were numerous statutory enactments relating to counties and townships, and a new constitution adopted in Georgia contained significant provisions concerning local government.¹ Regular legislative sessions in the states² convened, and indeed in a majority of the states adjourned, prior to V-E Day, and in only a few instances did they extend beyond the cessation of hostilities in the Pacific. Essentially, therefore, the 1945 legislative meetings constituted another series of wartime sessions, devoting much of their attention to problems related to winning the war and those of postwar reconstruction. This fact was clearly reflected in the year's enactments concerning local government, as in other fields of legislation.

I. AREAS

New Areas. Enabling legislation for the creation of special-purpose districts was enacted in several states. Improvement districts were authorized in Arizona for the purpose of making street, sewer, and other local improvements in unincorporated areas, and in certain Kansas counties for constructing works and improvements necessary for the public health, convenience, or welfare. Districts established in both states will have taxing and borrowing powers and the power to impose special assessments. Colorado, Utah, and Nebraska authorized the establishment of cemetery districts. Health districts, hospital districts, and airport districts were authorized in Washington, and sanitary districts in Delaware and Iowa. The California legislature established the San Luis Obispo flood control and water conservation district with broad powers to provide for the control and conservation of flood and storm waters.³

* For previous annual summaries, see this REVIEW, Vol. 31, pp. 884-913; Vol. 32, pp. 936-956; Vol. 33, pp. 1058-1072; Vol. 34, pp. 1145-1166; Vol. 35, pp. 1106-1119; Vol. 36, pp. 1109-1127; Vol. 37, pp. 1041-1051; Vol. 38, pp. 1089-1113; Vol. 39, pp. 1107-1118.

¹ Local-government provisions of Missouri's new constitution, adopted early in 1945, were discussed in the preceding article in this series.

² Regular sessions were held during the year in all states except Kentucky, Louisiana, Mississippi, and Virginia. In at least two of the latter states—Kentucky and Virginia—there were special sessions.

³ *Laws of Arizona*, 1945, ch. 43; *Statutes of California*, 1945, ch. 1294; *Laws of*

Massachusetts enacted a soil conservation district law, and several districts were promptly established thereunder. By June 15, 1946, 1,592 soil conservation districts, with an aggregate area of some 800 million acres and including well over half of the nation's farms, had been organized in the 46 states having enabling legislation. Each of the two remaining states—New Hampshire and Connecticut—enacted during the year a soil conservation statute which, however, did not provide for the incorporation of local districts. The New Hampshire law establishes a single state-wide soil conservation district to be administered by a state soil conservation committee; while that of Connecticut provides for assistance to farmers, individually or in voluntary associations, in erosion-control work. Some of the functions performed elsewhere by local soil conservation districts are carried on in the former state by sub-districts and in the latter by local work areas. These 1945 enactments round out the state enabling legislation necessary to permit farmers throughout the country to engage in erosion-control work with state and federal assistance.⁴

Consolidation. Georgia's new constitution empowers the general assembly to provide for the consolidation of two or more counties, and for the division of any county and merger of portions thereof into other counties; but any such consolidation, or division and merger, must be approved by two-thirds of the voters voting in a referendum election in each county concerned. The present number of counties in the state (159) may not be increased, and no new county may be created otherwise than by consolidation or merger of existing counties. Optional systems of consolidated county and municipal government may be provided, to become effective when approved by a majority of the voters voting thereon in the county concerned.⁵

Three states—Illinois, Iowa, and Kansas, provided for county school surveys designed to foster consolidation of rural school districts. The Kansas statute established a division of school reorganization in the state department of education, and a county school reorganization committee in each county. The county committee consists of five members appointed by the board of county commissioners from areas outside cities of 15,000 population or more. At least three of the five members must reside outside the corporate limits of any city, and no person engaged in the teaching

Colorado, 1945, ch. 91; Laws of Delaware, 1945, ch. 113; Acts and Joint Resolutions of Iowa, 1945, ch. 162; Kansas Session Laws, 1945, ch. 180; Laws of Nebraska, 1945, ch. 16; Laws of Utah, 1945, ch. 17; Session Laws of Washington, 1945, chs. 182, 183, 264.

⁴ *Supplement to the General Statutes of Connecticut, 1945, p. 202; Acts of Massachusetts, 1945, ch. 531; Laws of New Hampshire, 1945, ch. 151; United States Soil Conservation Service, Soil Conservation Districts (mimeo., Washington, July 1, 1946).*

⁵ *Constitution of Georgia (1945), Art. XI, sec. 1.*



profession is eligible for committee membership. County committees are to prepare plans for reorganizing the elementary school districts within their respective jurisdictions and are empowered, after public hearings thereon, to issue orders placing those plans in effect. Persons dissatisfied with reorganization orders issued by any county committee may apply for a rehearing, and if dissatisfied with orders issued after rehearing may apply to the district court for a review of the committee's plan and procedure. It is the duty of the state division to become conversant with all factors affecting the determination of proper boundaries for elementary school districts in the state, and to counsel and advise with the school reorganization committees of the respective counties.⁶ During the first year of the law's operation, 1,292 elementary districts were eliminated in the state by reorganization. Of these, 236 districts were eliminated through voluntary consolidations under previously-existing school laws, and the remainder through orders of county reorganization committees. The total represents a reduction of 18 per cent in the number of one-teacher schools (approximately 7,200) legally organized in the state during the school year 1945. At this rate, the total reduction during the three-year reorganization period contemplated by the statute may well exceed 40 per cent of the state's one-teacher districts.⁷

The Illinois law created a state advisory commission on school reorganization and provides that a school survey committee may be established in any county. The county committee is composed of nine members—five chosen by the members of the rural school boards in the county and four by the members of urban boards—and works under the supervision of the state advisory commission and the state superintendent of public instruction. It is the duty of the county committee to study the existing organization of school districts and to recommend such reorganization as in the committee's judgment "will afford better educational opportunities for the pupils and inhabitants of the county, more efficient and economical administration of public schools, and a more equitable distribution of public school revenues." Reorganization schemes recommended by county survey committees must be approved by the voters of the districts concerned before becoming effective.⁸ By the summer of 1946, survey committees were functioning in 93 of the state's 102 counties. Though the official reports of the committees are not due, even in preliminary form, until June, 1947, during the first year following the authorization of their establishment 107 consolidations involving 574

⁶ *Kansas Session Laws*, 1945, ch. 291.

⁷ *Reorganization of School Districts in Kansas, 1945-46* (Publication No. 140, Research Department, Kansas Legislative Council, Topeka, June, 1946).

⁸ *Laws of Illinois*, 1945, p. 1608.

districts were effected in the state.⁹ This marked advance in the consolidation movement, which is in sharp contrast to the slow progress of previous years, seems to be attributable in no small part to the activities of the survey committees.

In Iowa, county boards of education were directed to make surveys of the school districts within their respective counties and territory adjacent thereto "for the purpose of promoting such reorganization of districts by unions, mergers, reorganizations or centralization as will effect more economical operation and the attainment of higher standards of education in the schools." Public hearings are to be held in connection with the surveys, and plans of reorganization finally approved by a county board will be submitted to the voters of the districts affected for their adoption or rejection. It is made the duty of the state department of public instruction to coöperate with the several county boards of education in the carrying on of their survey work.¹⁰ By the summer of 1946, no county had completed a survey under this law, but a number of recent consolidations effected under earlier statutes appeared to have been the result of pressure engendered by the enactment of the 1945 legislation.¹¹

II. ORGANIZATION AND PERSONNEL

New Offices. An innovation in statutory county agencies is an ex-officio county advisory board created in each county in New Mexico. Members of the board are the county assessor, clerk, school superintendent, sheriff and treasurer, and probate judge. The advisory board is to meet with the board of county commissioners and "fully advise them on all matters concerning the offices of the county officials," and on matters pertaining to the administration of county affairs. It is a further duty of the board to secure coöperation among the various county officials, and to "bring about mediation when several county officials fail or neglect to coöperate in the exercising of their duties," whenever such lack of coöperation becomes detrimental to efficiency in county government.¹²

Colorado, South Dakota, and Tennessee were added to the list of states which authorize the appointment of county veterans' service officers to assist veterans and their dependents in securing benefits available to them under federal and state legislation. Wisconsin county boards were empowered to create the position of county historian. It is to be the duty of this official to collect and preserve early records, mark and compile

⁹ Information supplied by Dr. J. F. Isakoff, Director of Research, Illinois Legislative Council.

¹⁰ *Acts and Joint Resolutions of Iowa*, 1945, ch. 128.

¹¹ Information supplied by Mr. Cameron M. Ross of the Iowa State Department of Public Instruction.

¹² *Laws of New Mexico*, 1945, ch. 61.

data concerning places of historical interest in the county, and perform such other duties relating to the collection, preservation, compilation, and publication of historical data as the county board may require.¹³

Office Abolition and Consolidation. General sessions courts to replace justices of the peace were established in the Tennessee counties of Marshall and Wilson.¹⁴ In Wisconsin, a constitutional amendment abolishing the office of justice of the peace in Milwaukee was given second legislative approval and ratified by the state's voters. Georgia's new constitution provided that the general assembly may abolish the office of county treasurer in any county, and may consolidate the offices of tax receiver and tax collector in the office of tax commissioner.¹⁵

Reeligibility to Office. A proposed amendment to the Wisconsin constitution to eliminate the present provision that sheriffs may not serve more than two consecutive two-year terms was given second legislative approval, only to meet defeat at the hands of the voters early in 1946.¹⁶

County and Town Executives. The Oregon legislature, under authority conferred by a recent constitutional amendment, enacted an optional county-manager law. Under the terms of this statute, any county of the state may, by petition and popular vote, adopt a manager charter, which, however, must conform to certain basic requirements prescribed by the act. Each charter must provide for an elective county board of not less than three nor more than seven members, one of whom shall be elected as county judge. This board is to be the county's policy-determining body and, except as otherwise provided by law, is to exercise all powers vested in the county. Specific powers of the county board include those of levying taxes, appropriating county funds, inquiring into the conduct of county offices, placing county officers on a salary basis, and appointing a county manager and fixing his salary. The manager is to be the administrative head of the county government and must give full time to the duties of his office. He is to serve at the pleasure of the county board and be responsible to that body for the proper conduct of all administrative affairs within its jurisdiction. Department heads are to be appointed by the manager. Appointments to subordinate administrative positions are to be made by the manager, or by department heads if the manager chooses to delegate such authority, on the basis of ability, training, and experi-

¹³ *Laws of Colorado*, 1945, ch. 108; *Laws of South Dakota*, 1945, ch. 183; *Public Acts of Tennessee*, 1945, ch. 38; *Wisconsin Session Laws*, 1945, ch. 89.

¹⁴ M. H. Satterfield, "County Legislation in Tennessee," *National Municipal Review*, Vol. 34, pp. 257-258 (May, 1945).

¹⁵ *Constitution of Georgia* (1945), Art. XI, sec. 1; *Wisconsin Session Laws*, 1945, p. 1113; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, p. 315 (June, 1945).

¹⁶ *Wisconsin Session Laws*, 1945, p. 1144; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 35, p. 378 (July, 1946).

ence. The law provides that, except for purposes of inquiry or in case of emergency, the county board and its members "shall deal with that portion of the administrative service over which the manager is responsible solely through the manager, and neither the county board nor any member thereof shall give orders to any subordinate of the county either publicly or privately." Any county adopting a manager charter may abandon the same, after four years' operation, by petition and election proceedings similar to those employed for its adoption.¹⁷

Maryland's legislature provided Montgomery county with a chief administrative officer with the title of "county supervisor." The supervisor is appointed by the county board and is to serve as the board's agent in coordinating county activities. It is the supervisor's duty "to supervise and be responsible for the daily routine administrative functioning of the general executive and administrative departments, offices, and agencies" under the county board's jurisdiction, but the statute specifically declares that "nothing herein shall be construed to take away the executive or administrative powers" of the board. Various major administrative officers of the county are to be responsible, in the discharge of their duties, directly to the supervisor and through him to the county commissioners. Manager government was adopted in Maine by the towns of Fairfield, Guilford, Littleton, Old Town, and Orient, and by Reed plantation; and in Vermont by the town of Chester.¹⁸

Personnel Administration. The Maryland legislature provided a merit system for Montgomery county, under a civil service commissioner appointed by the county board. Outagamie county, Wisconsin, established a merit system for all county employees under which positions will be classified and examinations given by the state bureau of personnel; and Wood county in the same state placed its highway patrolmen under the merit system.¹⁹

Salary increases were granted to county officers during the year in several states.²⁰ In some instances, these increases were of general application, applying to all or most county officers throughout the state, but more often they applied only to certain counties or offices. A few of the increases were for the "duration" only, though most of them carried no time limit. Indiana, Oregon, Montana, New Hampshire, and Wisconsin enacted legislation under which the employees of counties and other designated local

¹⁷ *Oregon Laws*, 1945, ch. 404.

¹⁸ *Laws of Maryland*, 1945, ch. 949; Grace L. Geer, "Council-Manager Government," *Municipal Year Book*, 1946, pp. 236-239.

¹⁹ *Laws of Maryland*, 1945, ch. 904; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, p. 356 (July, 1945).

²⁰ *Acts of Arkansas*, 1945, no. 162; *Laws of Colorado*, 1945, ch. 125; *General Laws of Idaho*, 1945, chs. 9, 182; *Kansas Session Laws*, 1945, chs. 206, 207; *Laws of Nebraska*, 1945, ch. 48; *Session Laws of Washington*, 1945, ch. 87.

units may participate in state-administered retirement systems; and the Texas legislature proposed a constitutional amendment which would authorize counties to establish retirement funds.²¹ The Michigan Institute of Local Government, which for some years has trained newly-elected sheriffs in their duties, expanded its training program to include county clerks, county treasurers, and other elective county officials.²²

III. FUNCTIONS

New Functions. A great deal of legislation was enacted during the year to confer new powers upon rural governmental units and broaden their authority with respect to existing functions. Several states enlarged county powers in the fields of public health and recreation. New or amplified authority to operate and finance county hospitals was conferred in North Carolina, Oklahoma, and Wisconsin. The Alabama legislature proposed a constitutional amendment which would empower counties and municipalities, as well as the state, to appropriate public funds for hospitals, health centers, sanatoria, and other health facilities. Los Angeles county, California, was authorized to provide ambulance service.²³ Counties in Alabama and North Carolina were empowered to provide parks, playgrounds, and recreation centers, and in the latter state to conduct supervised recreational programs. New Mexico provided that any county may establish playgrounds or recreation centers "within or beyond the constituted limits" of the county; and Nevada authorized counties of more than 10,000 population to acquire land for park, recreational, and memorial purposes. An amendment to the Pennsylvania statutes extended to all counties the power, previously possessed only by counties of the second class, to acquire and maintain public parks. New Hampshire counties were authorized to conduct recreation activities.²⁴

Agriculture, forestry, and fire protection were the subjects of legislation extending county and township powers in various states. Wisconsin counties were authorized to purchase tractors, bulldozers, and other equipment

²¹ *Laws of Indiana*, 1945, ch. 340; *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 212; *Laws of New Hampshire*, 1945, ch. 201; *Oregon Laws*, 1945, ch. 401; *General and Special Laws of Texas*, 1945, p. 1045; *Wisconsin Session Laws*, 1945, ch. 156.

²² Paul W. Wager, "County Government," *Municipal Year Book*, 1946, pp. 231-236.

²³ *General Laws of Alabama*, 1945, p. 328; *Statutes of California*, 1945, ch. 909; *Session Laws and Resolutions of North Carolina*, 1945, ch. 506; *Session Laws of Oklahoma*, 1945, p. 232; *Wisconsin Session Laws*, 1945, ch. 454.

²⁴ *General Laws of Alabama*, 1945, p. 565; *Statutes of Nevada*, 1945, ch. 206; *Laws of New Hampshire*, ch. 120; *Laws of New Mexico*, 1945, ch. 67; *Session Laws and Resolutions of North Carolina*, 1945, ch. 1052; *Laws of Pennsylvania*, 1945, ch. 155.

for clearing and draining land and controlling weeds; and, for fees, for work on private lands. In the same state, county governments were empowered also to maintain laboratory equipment for testing milk and soil samples for county residents. The establishment and maintenance of county forests was authorized in Alabama, Montana, and Minnesota. Alabama counties may acquire forest lands by purchase, gift, or bequest; counties in Minnesota may accept donations of forest land or may set aside for forest purposes lands acquired through tax delinquency; while Montana counties may set aside as forests either tax-forfeited lands or rentals assessed on a cost basis, to operate or lease such equipment for lands taken in exchange therefor. Counties in California and Montana, and townships in North Dakota, were authorized to provide rural fire protection. Under the Montana statute, the board of county commissioners is empowered to establish fire seasons during which no person may set any forest fire, land-clearing fire, or other open fire on forest, range, or crop lands without first obtaining a written permit from a county or district fire chief.²⁵

Though most of the recent housing legislation for redevelopment of blighted areas relates primarily to municipalities, the statutes of several states confer redevelopment powers upon counties and townships. By laws enacted in 1945, the counties of California and Pennsylvania, and Jefferson county (Birmingham) in Alabama, were empowered to establish redevelopment agencies with authority to undertake slum-clearance and housing projects. Counties and townships in Michigan were authorized to adopt plans for the redevelopment of blighted areas, and to assist in carrying out such plans by the acquisition and disposal of real estate. Tennessee empowered county and regional housing authorities to extend the benefits of public housing to rural areas.²⁶

The growing importance of air transport is reflected in the large amount of current legislation concerning state and local activities in the field of aviation. Indiana, Nevada, Kentucky, Iowa, South Carolina, Delaware, Alabama, and Colorado were among the states which, during the year, conferred upon counties the power to establish and finance airports or broadened authority previously granted. In several instances, it was provided that airports may be maintained outside as well as within the corporate boundaries of the county. Minnesota and Wisconsin enacted, in

²⁵ *General Laws of Alabama*, 1945, p. 343; *Statutes of California*, 1945, ch. 2383; *Session Laws of Minnesota*, 1945, ch. 347; *Laws, Resolutions, and Memorials of Montana*, 1945, chs. 70, 173; *Laws of North Dakota*, 1945, ch. 319; *Session Laws of Wisconsin*, 1945, ch. 224.

²⁶ *General Laws of Alabama*, 1945, p. 269; *Statutes of California*, 1945, ch. 1326; *Public Acts of Michigan*, 1945, no. 344; *Laws of Pennsylvania*, 1945, no. 385; *Public Acts of Tennessee*, 1945, ch. 102.

almost identical terms, reciprocal legislation authorizing counties and other political subdivisions of any adjoining state to acquire and operate airports within the enacting state, provided that the laws of such adjoining state permit such action and conditioned also upon the granting by the adjoining state of a like privilege to political subdivisions of the enacting state. Under this legislation, counties in either of these states, if its own laws permit (such permission is granted by Wisconsin in the same statute), may establish airports across the state line in the other. Any county thus establishing an outstate airport is to have all the rights and privileges with respect thereto, including the right of eminent domain, extended by the state in which the airport is located to its own counties; and is to be subject to most laws and regulations of the state of location. In matters relating to financing the project, however, the establishing county will be governed by the laws of its own state.²⁷

Closely related to the function of providing airport facilities is that of protecting the approaches to public airports, by appropriate zoning restrictions, against obstruction by trees, tall buildings, and other hazards. About a fourth of the states enacted laws conferring airport-zoning power upon counties or modifying earlier legislation granting such power.²⁸ These statutes regularly applied to municipalities as well as counties, and some applied also to townships, park districts, and other local units. A majority of the laws followed rather closely the provisions of the model airport-zoning enabling act recommended by the federal Civil Aeronautics Administration and the National Institute of Municipal Law Officers, and some of the others followed the model act in a general way. Inasmuch as two or more local governments sometimes possess concurrent jurisdiction in airport zoning, several of the acts provide that in case of conflict between two sets of restrictive regulations, the more stringent limitation or requirement shall prevail. The statutes uniformly require the establishment of a board of adjustment with power to authorize variances from the zoning regulations in exceptional cases, and it is usually expressly provided that decisions of this board shall be subject to judicial review. In addition to authorizing use of the police power for the imposition of

²⁷ *General Laws of Alabama*, 1945, p. 612; *Laws of Colorado*, 1945, ch. 4; *Laws of Delaware*, 1945, ch. 300; *Laws of Indiana*, 1945, ch. 190; *Acts and Joint Resolutions of Iowa*, 1945, ch. 150; *Acts of Kentucky*, 1945 (spec. sess.), ch. 3; *Session Laws of Minnesota*, 1945, ch. 175; *Statutes of Nevada*, 1945, ch. 151; *Acts and Joint Resolutions of South Carolina*, 1945, p. 43; *Wisconsin Session Laws*, 1945, ch. 74.

²⁸ *Laws of Illinois*, 1945, p. 317; *Laws of Indiana*, 1945, ch. 190; *Acts and Joint Resolutions of Iowa*, 1945, ch. 149; *Session Laws of Minnesota*, 1945, ch. 303; *Laws of Nebraska*, 1945, ch. 233; *Laws of New York*, 1945, ch. 901; *Laws of North Dakota*, 1945, ch. 40; *Session Laws of Oklahoma*, 1945, p. 9; *Laws of Pennsylvania*, 1945, no. 107; *Public Acts of Tennessee*, 1945, ch. 74; *Laws of Utah*, 1945, ch. 10; *Session Laws of Washington*, 1945, ch. 174.

restrictions on future uses of property surrounding airports, some of the acts provide for the removal of existing hazards to air travel by the power of eminent domain. California, a state not included among those enacting zoning legislation, authorized counties, cities, and airport districts to use eminent domain to acquire an easement in airspace when necessary to protect airport approaches from hazardous encroachment by structures or vegetation.²⁹

In county planning and zoning of a general nature, there were some developments. The establishment of planning agencies was authorized in Michigan and North Carolina counties generally; in Minnesota counties containing second-class cities; and in New York counties adopting optional forms of government under the Buckley law of 1935.³⁰ Milwaukee county, Wisconsin, was empowered to regulate the subdivision of land outside incorporated cities and villages; and boards of county commissioners in Colorado were authorized, upon petition and after public hearing, to adopt building codes for zoned rural areas. Exempt from the regulatory power conferred by the Colorado statute, however, are buildings used solely for sheltering agricultural implements, farm products, livestock, or poultry. The Delaware legislature proposed a constitutional amendment to permit the enactment of county-zoning enabling legislation. The proposal, since amendments in that state do not require popular ratification, will become effective if approved by the 1947 legislature.³¹

County zoning in Virginia suffered at least a temporary setback when the zoning ordinance of Fairfax county was declared invalid by the circuit court. This decision was reached in a criminal action in which the defendant was prosecuted for establishing an automobile graveyard in a suburban residential district. The Fairfax ordinance enumerated fourteen uses as permitted in such districts, and ten additional uses as permitted when specifically authorized by the board of zoning appeals, but an automobile graveyard was not included among these twenty-four permissible uses. In declaring the ordinance invalid, the court took the view that a law creating a crime must specifically prohibit the act made criminal. In this instance, automobile graveyards were prohibited in suburban residential districts, not by specific prohibition, but by not being included in the list of uses permitted. According to the doctrine of the case, a zoning ordinance, to be valid, would seemingly have to enumerate every use to be

²⁹ *Statutes of California*, 1945, ch. 1242.

³⁰ *Public Acts of Michigan*, 1945, no. 282; *Session Laws of Minnesota*, 1945, ch. 551; *Laws of New York*, 1945, ch. 903; *Session Laws and Resolutions of North Carolina*, 1945, ch. 1040. Planning commissions previously established in some Michigan counties under earlier legislation are to be reconstituted under the provisions of the new law.

³¹ *Laws of Colorado*, 1945, ch. 90; *Laws of Delaware*, 1945, ch. 2; *Wisconsin Session Laws*, 1945, ch. 218.

prohibited within districts of each class. This doctrine is so contrary to established zoning practice in the United States that its ultimate acceptance would be of far-reaching consequence. At the year's end, steps had been taken to test the decision before the state supreme court.³²

South Dakota enacted two statutes relating to the operation of toll bridges, interstate or otherwise, by local governmental units. One of these empowered counties, cities, or towns to acquire and operate toll bridges inside their territorial limits or within five miles thereof, whether wholly or only partly within the state. Where the bridge is interstate in character, the power to acquire and operate the portion situated in another state is dependent, of course, upon the laws of that state. A companion measure grants permission to counties, cities, and towns of adjoining states to operate toll bridges across boundary streams and to acquire on the South Dakota side the necessary right-of-way to give access to such bridges from the public highways. Michigan counties were authorized to maintain parking lots on county-owned land, and to enact appropriate rules and regulations for the use of such lots by the public.³³

County boards in Iowa were empowered to provide law libraries, to be maintained under the supervision of the county judge. The Pennsylvania legislature authorized counties, which had previously been empowered to appropriate funds for county war histories, to make appropriations for local historical compilations and publications generally. North Dakota counties containing cities of more than 3,000 population were empowered to levy an annual tax of one-half mill for "advertising the resources and processing opportunities in North Dakota and promoting the industrial development thereof."³⁴

Functional Consolidation. There was a considerable amount of legislation authorizing functional consolidation of both the special-district and contract varieties, and numerous instances in which local units inaugurated the coöperative performance of functions under previous authorization. Developments of the year, however, involved no new methods of coöperation, but rather an extension of the application of well-known principles and techniques.

Washington authorized the establishment of multi-county health districts. Montana provided that any county which maintains a county health unit and any first-class city located therein may, by mutual agree-

³² John E. Mason, "Constitutionality of Zoning Challenged in Virginia," *Journal of Land and Public Utility Economics*, Vol. 22, pp. 77-78 (Feb., 1946).

³³ *Public Acts of Michigan*, 1945, no. 58; *Laws of South Dakota*, 1945, chs. 118, 119.

³⁴ *Acts and Joint Resolutions of Iowa*, 1945, ch. 153; *Laws of North Dakota*, 1945, ch. 294; *Laws of Pennsylvania*, 1945, no. 41.

ment, merge their health services; and that two or more adjacent counties and the first-class cities therein may join in establishing a district health unit.³⁵ The actual consolidation of county and city health departments, an outstanding development of recent years,³⁶ continued. Cities reported to have consolidated their health services with those of their respective counties include Battle Creek in Michigan, Winston-Salem and Burlington in North Carolina, and Vancouver and Longview in Washington. A district health unit with a full-time health officer was established to serve six North Dakota counties.³⁷

Pennsylvania authorized the establishment of joint county hospitals for the care and treatment of contagious diseases; and certain North Carolina counties were empowered to cooperate with cities in providing hospital facilities for the poor. In Washington, provision was made for the joint operation of a tuberculosis hospital by King county and the city of Seattle. Michigan provided that two or more cities, townships, or villages, or any combination thereof, might incorporate a hospital authority to build and operate a community hospital; and a South Oakland hospital authority was reported to have been organized by ten local governmental units for that purpose.³⁸

California authorized the establishment of airport districts comprising two or more counties; while Indiana and Colorado provided that counties may join with each other or with municipalities in acquiring and operating airports. Illinois authorized the establishment of joint housing authorities serving not less than two counties nor more than five. The Michigan state planning commission was empowered to establish regional planning commissions upon petition therefor by two or more local-government units or on its own initiative. The area served by a regional commission need not coincide with that of any governmental unit or group of units, but may "comprise a homogeneous region, based on but not limited to such considerations as topographic or geographic conformations, extent of urban development, the existence of special or acute agricultural, forestry, conservation, or other rural problems, uniformity of social or economic interests and values, or the existence of problems of physical, social, and economic planning of a regional character." North Carolina provided that counties may join with each other or with cities in establishing planning

³⁵ *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 171; *Session Laws of Washington*, 1945, ch. 183.

³⁶ See this REVIEW, Vol. 38, p. 1106; Vol. 39, p. 1115.

³⁷ "Health Developments in 1945," *Municipal Year Book*, 1946, pp. 292-298.

³⁸ *Public Acts of Michigan*, 1945, no. 47; *Session Laws and Resolutions of North Carolina*, 1945, ch. 516; *Laws of Pennsylvania*, 1945, no. 326; "Health Developments in 1945," *loc. cit.*

agencies. A city-county planning council was established in Napa county, California, to serve the county and the three cities of Napa, Calistoga, and St. Helena.³⁹

Kansas, where the county-unit highway system is optional, provided that in counties not operating under that system the county board may contract with township highway commissioners for the use of county machinery, equipment, and personnel on township roads. Idaho authorized weed-control agreements between counties and irrigation districts. Oregon counties were empowered to contract with each other or with cities in matters relating to mosquito eradication. The Alabama legislature provided that counties may join with each other or with municipalities in providing parks, playgrounds, and recreation centers. A Massachusetts law enables any governmental unit (defined as including cities, towns, and various special districts) to "enter into an agreement with one or more other governmental units to perform jointly or for such other unit or units any service, activity or undertaking which each contracting unit is authorized by law to perform." San Diego county, California, and the city of San Diego established a joint reference library for use by city and county officers and employees.⁴⁰

IV. FINANCE

Budgeting and Accounting. Local budget laws applicable to counties were enacted in Colorado and Wyoming.⁴¹ Special acts in Tennessee established budget systems for the counties of Hickman, Marshall, and Decatur, and designated the county judge as budget director in Obion county.⁴² The operation of Nebraska's county-budget law of 1937⁴³ was commended by the Nebraska Federation of County Taxpayers Leagues, accomplishments claimed for the legislation including improved administration, reduced tax levies, and pay-as-you-go financing.⁴⁴ Colorado required boards of county commissioners to make annual inventories of county property, real and personal, and to maintain perpetual property record systems.⁴⁵

³⁹ *Statutes of California*, 1945, ch. 1272; *Laws of Colorado*, 1945, ch. 4; *Laws of Illinois*, 1945, p. 940; *Laws of Indiana*, 1945, ch. 190; *Public Acts of Michigan*, 1945, no. 281; *Session Laws and Resolutions of North Carolina*, 1945, ch. 1040; *Public Management*, Vol. 27, p. 314 (Oct.-Nov., 1945).

⁴⁰ *General Laws of Alabama*, 1945, p. 565; *General Laws of Idaho*, 1945, ch. 168; *Kansas Session Laws*, 1945, ch. 274; *Acts of Massachusetts*, 1945, ch. 438; *Oregon Laws*, 1945, ch. 242; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, p. 584 (Dec., 1945).

⁴¹ *Laws of Colorado*, 1945, ch. 168; *Session Laws of Wyoming*, 1945, ch. 110.

⁴² M. H. Satterfield, *loc. cit.*

⁴³ See this REVIEW, Vol. 32, p. 948.

⁴⁴ Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, pp. 315-316 (June, 1945).

⁴⁵ *Laws of Colorado*, 1945, ch. 105.

Reserve Funds. As a phase of postwar financial planning, the states continued to enact legislation enabling counties, and usually other local units as well, to establish reserve funds. Among the states enacting such laws in 1945 were Colorado, Georgia, Nevada, New York, Oregon, Utah, and Washington.⁴⁶ The sources of these funds and the purposes for which they may be used vary from state to state. In most instances, they are to be derived from one or more of three sources: transfer of surplus funds thereto, special tax levies, and direct appropriations from the public treasury. Capital outlays, especially outlays for public works, constitute the purpose for which expenditures from reserve funds are most commonly authorized; but some states permit expenditures therefrom for various other purposes, including deferred maintenance, repairs, and debt retirement. States in which statutes of similar purport had previously been enacted include Arizona, California, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, and Pennsylvania.⁴⁷

Purchasing. Certain counties in three states were provided with centralized purchasing agencies by special statutes. A Washington law requires King county (Seattle) to contract for public works and to purchase supplies, materials, and equipment for county departments on a competitive basis. The board of county commissioners is required to appoint a county purchasing agent "who shall have had previous purchasing experience as purchasing agent of a commercial, industrial, institutional, or governmental plant or agency," and may establish central storerooms to be administered under his control. It is made the duty of the purchasing agent to maintain perpetual inventories of supplies and equipment and to report to the county commissioners, at least yearly and oftener if the board requires, "a balancing of the inventory record with the actual amount of supplies or equipment on hand." Purchases for the county hospital are excluded from the act's provisions, and in the case of other contracts and purchase orders involving less than \$1,000 competitive bidding may be dispensed with at the discretion of the county board. The board is also empowered to waive the requirements of the act with respect to any contract or purchase in the event of an emergency.⁴⁸

Montgomery county, Maryland, was provided with a purchasing bureau under a purchasing agent appointed by the board of county com-

⁴⁶ *Laws of Colorado*, 1945, ch. 93; *Acts and Resolutions of Georgia*, 1945, p. 393; *Statutes of Nevada*, 1945, ch. 234; *Laws of New York*, 1945, ch. 742; *Oregon Laws*, 1945, ch. 453; *Laws of Utah*, 1945, ch. 113; *Session Laws of Washington*, 1945, ch. 51. Cf. also *Wisconsin Session Laws*, 1945, ch. 418, empowering county boards to make appropriations, within prescribed limitations, "for postwar projects generally, without specific designation thereof, to be constructed or carried on by the county following the termination of the present war."

⁴⁷ Cf. H. Harrison Hemenway, "Municipal Reserve Funds," *Municipal Year Book*, 1946, pp. 191-192.

⁴⁸ *Session Laws of Washington*, 1945, ch. 61.

missioners. All county departments and agencies are required to purchase their supplies, equipment, and materials through or with the approval of the purchasing agent, except that educational and technical supplies for the county board of education may continue to be purchased as that board may determine. On purchases of items valued in excess of \$100, sealed bids are required, and where the value exceeds \$500 there must be newspaper advertisement. In Tennessee, a purchasing agent or committee was established for Bedford, Decatur, and Monroe counties, and in the counties of McNairy and Obion the county judge was designated as purchasing agent.⁴⁹ A considerable number of states relaxed the regular purchasing procedures of local governmental units in the case of purchases of surplus property from the federal government.⁵⁰

V. OPTIONAL FORMS OF GOVERNMENT

In North Dakota, where optional forms of county government have recently been made available for adoption by popular vote, a constitutional amendment was proposed to make it mandatory upon the county commissioners of any county having an assessed valuation of two and one-half million dollars or less to adopt without referendum one of the optional forms provided by statute.⁵¹ Present laws offer to North Dakota counties three optional forms of government—a “consolidated office form,” a “county manager form,” and a “short form of county managership”—each of which is simpler and more centralized than the traditional system of county organization.⁵² The proposed amendment apparently signifies legislative recognition of the fact that voluntary improvements will be effected by local units but slowly if at all, and that some degree of compulsion is necessary if low-valuation counties are to be provided with the simple and economical forms of government which they can afford to support.⁵³

Georgia's new constitution makes it the duty of the general assembly to provide optional plans of county government, “some” of which shall include provision for the initiative, referendum, and recall.⁵⁴ Oregon counties were authorized to adopt the manager system.⁵⁵

Nebraska's optional law under which township organization may be abandoned in favor of the county-commissioner plan was amended to permit counties in which township organization is discontinued to vote to

⁴⁹ *Laws of Maryland*, 1945, ch. 871; M. H. Satterfield, *loc. cit.*

⁵⁰ See *infra*, “Federal-Local Relations.”

⁵¹ *Laws of North Dakota*, 1945, ch. 150.

⁵² See this REVIEW, Vol. 36, pp. 1123-1124.

⁵³ The proposal was defeated when referred to the voters in 1946. Elwyn A. Mauck, note in *National Municipal Review*, Vol. 35, p. 436 (Sept., 1946).

⁵⁴ *Constitution of Georgia* (1945), Art. XV, sec. 1.

⁵⁵ See *supra*, “County and Town Executives.”

have the same number of commissioners as there were supervisors in the county under the township system.⁵⁶ This will enable a county to abandon township organization and still retain the same size of county board (usually seven members) existing under the township system, whereas previously, upon adopting the commissioner plan, the board would have been reduced to three or five members. The amendment, it would seem, should lessen the opposition of county supervisors to township abandonment and thereby facilitate adoption of the simpler form of local government.

The Wisconsin legislature refused second approval to a proposal, which had been given first legislative endorsement in 1943, to amend the state constitution to permit optional forms of county government.⁵⁷

VI. INTERGOVERNMENTAL RELATIONS

State-Local Relations. Statutory provisions for intergovernmental cooperation continued to multiply. California in a 1944 special legislative session and Pennsylvania in 1945 provided for state financial aid to counties and other local units in planning public works programs. The California statute appropriated ten million dollars for allocation to cities and counties for preparing surveys, plans, and specifications for proposed works projects and for the acquisition of rights-of-way and sites. The act is administered by an ex-officio postwar public works review board, to which applications for funds are submitted by local units. The state is authorized to pay up to half the cost of preparing plans for specific projects, and of securing rights-of-way and sites for projects in which there is a state-wide interest. The latter may include, but are not limited to, highways, major city streets, street and highway structures, and sewage treatment and disposal plants. Pennsylvania's postwar planning commission was authorized to enter into agreements with political subdivisions to pay 50 per cent of the cost of preparing detailed plans and specifications for public works projects, preliminary plans for which have been submitted to and approved by the commission. The Pennsylvania statute carried an appropriation of a million dollars.⁵⁸

State agencies were charged in several instances with assisting local units in the acquisition of federal surplus property. In Washington, the state director of finance, budget, and business, acting through the division of purchasing, was authorized to acquire surplus property from the United States on behalf of any political subdivision. A revolving fund of

⁵⁶ *Laws of Nebraska*, 1945, ch. 42.

⁵⁷ Edward W. Weidner, "County Reform Run-Around," *National Municipal Review*, Vol. 34, pp. 386-392, 400 (Sept., 1945). A similar proposal had been given first legislative approval in 1939 only to fail of re-passage two years later.

⁵⁸ *Statutes of California*, 1944 (4th spec. sess. of 55th legislature), ch. 47; *Laws of Pennsylvania*, 1945, no. 413.

five million dollars was established from which money may be advanced to state departments and local-government units to finance purchases of such property. New Hampshire provided that the state purchasing agent may, upon request of the appropriate local governing body, purchase equipment, materials, or supplies from the federal government on behalf of any county, city, or town. Michigan's state administrative board was authorized to provide "such service as seems feasible" to counties and other local governments for the purpose of supplying to such units information concerning surplus property, the availability of stock, and procedures to be followed in its acquisition. Kansas established an ex-officio state surplus property board to assist state and local governmental agencies in making purchases from the federal government. In Arkansas, the state purchasing agent was empowered to enter bids for federal property on behalf of political subdivisions when authorized by them to do so.⁵⁹

The state-owned Bank of North Dakota was authorized to make loans to counties which are unable to raise sufficient funds under existing tax laws to enable such counties to carry on primary governmental functions and pay their mandatory obligations. Such loans must have the approval of the state industrial commission, and a borrowing county is required to levy an annual tax sufficient to repay the debt with interest at maturity. The tax so levied may not exceed three mills on the dollar, and is in addition to all general and special levies previously authorized. Pennsylvania state agencies were empowered to aid local redevelopment authorities in the elimination of blighted areas through grants or loans of money and by contracting to furnish to the local authorities parks, playgrounds, streets, and other improvements and facilities. In North Carolina, it was made the duty of a newly-established state recreation commission to cooperate in the promotion and organization of local recreational systems in counties, townships, and other political subdivisions of the state. The state commission is also to aid the local units in designing and laying out recreational areas and facilities, and to advise them in the planning and financing of recreation programs. Oregon's new civil service law authorized the state civil service commission to enter into agreements with political subdivisions to furnish to the local units, on a cost basis, services and facilities in personnel administration.⁶⁰

In New Hampshire, the finances of Coos county were placed under the control of a fiscal agent appointed by the governor and council. The fiscal agent is empowered and directed to "supervise and direct the incurring

⁵⁹ *Acts of Arkansas*, 1945, no. 20; *Kansas Session Laws*, 1945, ch. 315; *Public Acts of Michigan*, 1945, no. 190; *Laws of New Hampshire*, 1945, ch. 116; *Session Laws of Washington*, 1945, ch. 205.

⁶⁰ *Session Laws and Resolutions of North Carolina*, 1945, ch. 757; *Laws of North Dakota*, 1945, ch. 297; *Oregon Laws*, 1945, ch. 400; *Laws of Pennsylvania*, 1945, no. 383.

of obligations, against and the expenditure of all funds which may be raised and appropriated for the benefit" of the county. No county officer may incur any obligation on behalf of the county or spend any county money without the approval of the fiscal agent. The statute is to be effective from April 1, 1945, to April 1, 1947, with the provision that an advisory referendum on its extension shall be held in the county at the 1946 election.⁶¹

Federal-Local Relations. In at least three states—North Dakota, Utah, and West Virginia—counties and other local units were empowered to accept federal grants for airports and to cooperate with federal agencies in constructing and operating airport facilities. Kansas counties traversed or touched by the Arkansas river were authorized to cooperate with the federal government in the construction and maintenance of flood-control projects. Idaho empowered boards of county commissioners to convey to the United States, for whatever consideration the commissioners may determine, county-owned real estate needed by federal agencies for electric transmission or distribution lines. Counties and other local units in Montana were authorized to borrow federal funds, under the terms of the War Mobilization and Reconversion Act, for financing surveys, plans, and specifications for public works projects other than housing.⁶²

To facilitate the purchase by local governments of federal surplus property made available to them, more than a third of the states enacted legislation empowering counties, townships, and other political subdivisions to make such purchases without regard to the usual statutory restrictions.⁶³ The waiver of restrictions usually applies to the purchase, lease, or other acquisition from the United States or any agency thereof of supplies, equipment, materials, or other property real or personal. In most instances, the laws specifically enumerate the normal requirements which may be disregarded in the purchase of federal property. Most frequently waived are requirements for (1) posting of notice, (2) public advertising, (3) inviting or receiving of competitive bids, and (4) delivery of property purchased before payment. A few of the laws make waivers of a

⁶¹ *Laws of New Hampshire*, 1945, ch. 32.

⁶² *General Laws of Idaho*, 1945, ch. 33; *Kansas Session Laws*, 1945, ch. 391; *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 65; *Laws of North Dakota*, 1945, ch. 39; *Laws of Utah*, 1945, ch. 9; *Acts of West Virginia*, 1945, ch. 6.

⁶³ *Acts of Arkansas*, 1945, no. 20; *Laws of Delaware*, 1945, ch. 71; *Acts and Resolutions of Georgia*, 1945, p. 394; *General Laws of Idaho*, 1945, ch. 161; *Kansas Session Laws*, 1945, ch. 315; *Laws of Maryland*, 1945, ch. 749; *Session Laws of Minnesota*, 1945, ch. 167; *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 156; *Statutes of Nevada*, 1945, ch. 43; *Laws of New Mexico*, 1945, ch. 12; *Session Laws and Resolutions of North Carolina*, 1945, ch. 144; *Laws of North Dakota*, 1945, ch. 147; *Oregon Laws*, 1945, ch. 112; *Acts and Resolves of Rhode Island*, 1945, p. 181; *Public Acts of Tennessee*, 1945, ch. 16; *Acts of Virginia*, 1945 (spec. sess.), ch. 35; *Session Laws of Washington*, 1945, ch. 88.

more general nature, those of Delaware and Montana, for example, merely stipulating that purchases may be made from the federal government without regard to usual statutory procedures. The Tennessee statute provides that political subdivisions may purchase federal surplus property "in such manner and on such terms as may be agreed upon between the seller and the buyer, including the right to exceed budget limitations" where such exist.

VII. RESEARCH

Legislative interest in the improvement of local government was further evidenced in several states by the establishment of survey or investigating agencies to conduct studies and make reports and recommendations. The provision for school surveys in certain states has already been noted.⁶⁴ New York extended for another year the life of a temporary commission created in 1944 to revise the laws relating to counties.⁶⁵

In Wisconsin and New Hampshire, interim committees were established to study county government and report their findings and recommendations to the 1947 legislative sessions. The Wisconsin committee consists of three senators, five assemblymen, and five lay citizens. Legislative members of the committee are chosen as are members of standing committees of their respective houses. Lay members are appointed by the governor and are required to be citizens "who have made a particular study of or have demonstrated interest in the subject of county government." The committee is vested with broad authority to study county government in all its phases. In the preamble of the joint resolution establishing the committee, particular reference is made to the need for study of the structure of county government in Wisconsin, the relationship between constitutional provisions and this structure, and the experience of other states in the modification of their constitutions and the organization of their county governments. The committee is empowered to subpoena witnesses and records, and it is made the duty of all state and local officers to cooperate with the committee in its work.⁶⁶ As the committee has actually been constituted pursuant to the resolution, four of the eight legislative members are or have been members of county boards and another, Assemblyman Palmer F. Daus, has in previous years sponsored various county-reform measures before the legislature. The lay members include persons affiliated with the League of Women Voters, the Milwaukee City Club, the Wisconsin Citizens Public Expenditure Survey, and the extension division of the state university. By the summer of 1946, the committee had held several meetings in Madison and one in Milwaukee at which persons identified with various phases of county

⁶⁴ *Supra*, "Areas—Consolidation."

⁶⁵ *Laws of New York*, 1945, ch. 8. See this REVIEW, Vol. 39, p. 1117.

⁶⁶ *Wisconsin Session Laws*, 1945, p. 1170.

government had testified, and it was expected that the drafting of committee recommendations would soon be begun.⁶⁷

New Hampshire's interim committee consists of "seven competent persons" appointed by the governor and council. It is the duty of the committee to study and analyze "existing laws and methods relating to the general subject of county government, and its relationship with state and local government." A part of this study is to be "a survey of the entire matter of the settlement laws of this state, and their relationship to the laws of other states." The committee is empowered to establish subcommittees from its own membership or otherwise; to summon witnesses and require the production of papers and reports; to employ necessary legal, clerical, stenographic, and other personnel; and to require assistance of state departments.⁶⁸

The Alabama legislature created two study agencies. One of these was an advisory commission to study and report on the feasibility of reorganizing local government in Jefferson county (Birmingham). The commission's membership is comprised of representatives of county and city governments and of various civic, trade, and professional organizations. It is made the duty of the commission to "investigate, study and report to the legislature upon the following questions: 1. Shall the government of such county and any one or more of the municipalities therein be consolidated? 2. Shall the school districts or school systems in such county be consolidated into one system? 3. Should such county be subdivided into two or more counties, or should any divisions now existing therein with respect to the administration of the county's business be eliminated?" The commission is authorized to employ necessary technical personnel and to call upon state agencies for assistance. A report of its findings is to be made to the 1947 legislative session. The other Alabama agency was a joint interim committee, consisting of three members from each of the legislative houses, established to make a complete and detailed study of the laws providing revenue for the state and its counties and municipalities. The committee is empowered to employ a research director, subordinate personnel, and consultants, at such salaries as may be approved by the governor. It is charged with making a complete report of its findings, together with specific recommendations for improving the revenue systems.⁶⁹

In Iowa, a special committee on postwar taxation, consisting of legislative and lay members, was created to study state and local taxation and report its recommendations, including drafts of proposed bills, to the governor and legislature.⁷⁰

⁶⁷ C. K. Alexander, "Wisconsin Interim Committee Plans Legislative Report," *National Municipal Review*, Vol. 35, pp. 376-377 (July, 1946).

⁶⁸ *Laws of New Hampshire*, 1945, ch. 231.

⁶⁹ *General Laws of Alabama*, 1945, pp. 496, 545.

⁷⁰ *Acts and Joint Resolutions of Iowa*, 1945, ch. 259.

FEDERAL EXECUTIVE REORGANIZATION RE-EXAMINED: A SYMPOSIUM, II*

IV. ADJUSTING THE DEPARTMENTAL SYSTEM

LLOYD M. SHORT
University of Minnesota

I

Structural reorganization of the administrative departments and independent agencies of the national government has been on the agendas of the President and Congress almost continuously since World War I. A brief review of the principal developments during the period between the two wars will give us perspective as we undertake to present the problem in its current setting.¹

Congress, by joint resolution of December 29, 1920 (41 Stat. 1083), created a Joint Committee on the Reorganization of the Administrative Branch of the Government. By joint resolution of May 5, 1921 (42 Stat. 4), the President was authorized to appoint a representative of the executive department to cooperate with this committee; and this representative subsequently became the committee's chairman. At the request of the committee, President Harding submitted a reorganization plan which was notable for its proposals to consolidate the War and Navy Departments into a Department of Defense, to transfer agencies concerned with public works to the Department of the Interior under an Assistant Secretary, and to create a new Department of Education and Welfare.

In his letter of transmittal, the President spoke of the difficulties encountered in reconciling the conflicting views of department heads, but reported that the proposed changes with few exceptions, mainly that of consolidating all agencies of national defense, had the sanction of the cabinet.² Extensive hearings were conducted by the joint committee during January, 1924, at which the conflicting views referred to by the President were brought into the open, and various interested citizens and organizations submitted additional or opposing proposals.³ In its final

* Planned and arranged by Fritz Morstein Marx, Washington, D.C. The first three articles in this symposium appeared in the preceding issue of the REVIEW.

¹ For detailed accounts of structural changes and proposals, see Lewis Meriam and Laurence F. Schmeckebier, *Reorganization of the National Government* (Washington, 1939), pp. 181 ff.; and the articles by Dr. Schmeckebier in this REVIEW, 1933 to 1941.

² Senate Doc. No. 302, 67th Cong., 4th Sess., Feb. 13, 1923.

³ One of the most interesting individual plans was submitted by C. E. McGuire,

report to Congress, the joint committee endorsed most of the changes recommended by the President, the notable exception again being the proposed Department of Defense.⁴ No action was taken by Congress on the recommendations contained in this report, but they did serve as a basis for continuing discussions of the problem.

II

In response to repeated recommendations by President Hoover for reorganization legislation, the House of Representatives created an Economy Committee in February, 1932, whose subsequent proposals were enacted into law as Part II of the appropriation act approved June 30, 1932 (47 Stat. 413).⁵ This act effected a number of administrative transfers and consolidations, but its most significant section gave the President sweeping authority to make additional changes by executive order subject to a veto by either house of Congress within sixty days of the transmission of the order to that body.

President Hoover, acting on this authority, on December 9, 1932, issued several reorganization orders, which, among other things, consolidated public-works agencies and educational, health, and recreational agencies in the Department of the Interior under assistant secretaries; transferred the General Land Office from the Interior Department to the Department of Agriculture and the Weather Bureau from the Department of Agriculture to the Commerce Department; and transferred to the Budget Bureau the Bureau of Efficiency and the accounting functions of the General Accounting Office. A newly elected House of Representatives, with the Democratic party in control, voted in January, 1933, to disapprove these executive orders.⁶ Again, the reorganization efforts came to naught, though the subject would not stay down.

The President's power to reorganize was modified in an appropriation

assistant to the director of the Institute of Economics, later a division of the Brookings Institution. He had previously outlined his ideas in an article in the *Harvard Graduates' Magazine* for June, 1920. His plan called for an Executive Secretariat to provide departmental liaison for the President, for seven administrative departments (State, Treasury, Commerce, Industry and Communication, National Defense, Justice, Agriculture, and Public Welfare), and for a Council of Independent Establishments. See Joint Committee on the Reorganization of the Administrative Branch of the Government, Hearings, 68th Cong., 1st Sess., Jan. 7-31, 1924, pp. 237 ff.

⁴ House Doc. No. 356, and Senate Doc. No. 128, 68th Cong., 1st Sess., 1924.

⁵ For President Hoover's special message, see House Doc. No. 254, 72d Cong., 1st Sess., 1932. The Economy Committee's report was printed as House Rep. No. 1126, 72d Cong., 1st Sess., 1932.

⁶ For the content of President Hoover's orders and supporting reasons, see House Doc. No. 493, 72d Cong., 2d Sess., 1933; also Meriam and Schmeckebier, *op. cit.*, pp. 191 ff.

act approved March 3, 1933 (47 Stat. 1517), to permit him to abolish the whole or any part of an executive agency and any of its functions, except that this authority did not extend to the abolition of an entire department. Furthermore, the congressional veto of reorganization orders was omitted. Unlike the act of 1932, however, the President's power was limited to two years.

Under this act, President Roosevelt made a number of significant structural changes, such as the consolidation of agricultural credit agencies in a Farm Credit Administration; the creation of an Office of National Parks, Buildings, and Reservations in the Department of the Interior; the transfer of the functions of the Federal Board for Vocational Education to the Interior Department, where they were assigned to the Office of Education; the creation of divisions of Disbursement and Procurement in the Treasury Department; the abolition of the Shipping Board and the transfer of its functions and those of its subsidiary Fleet Corporation to the Department of Commerce; the abolition of the Bureau of Prohibition in the Department of Justice and the transfer of its functions to other agencies; the consolidation of the Immigration and Naturalization Bureaus in the Department of Labor; and the abolition of the Federal Coördinating Service under the Budget Bureau.⁷ Several later changes were effected by President Roosevelt under authority of the act of 1933, perhaps the most significant of which created a Division of Territories and Insular Possessions in the Department of the Interior.⁸ Still further changes occurred under authority of other statutes, such as the creation of the National Resources Board and the National Emergency Council; the transfer of duties to the Resettlement Administration, subsequently placed in the Department of Agriculture and still later renamed Farm Security Administration; and the transfer of the Soil Conservation Service from the Interior Department to the Department of Agriculture.

III

The President's power to effect reorganizations expired on March 3, 1935. Extensive use had been made of it, but a marked expansion of national activities during the same two-year period further complicated the problem, and the over-all departmental system had not been touched. Significant steps in this direction were taken by Congress and the President during the years from 1936 to 1939. Special Senate and House committees to investigate the executive agencies of the government were created in 1936, and later a Joint Committee on Government Reorganiza-

⁷ Most of these changes were effected by Executive Order No. 6166 of June 10, 1933, and its subsequent amendments. Cf. House Doc. No. 69, 73d Cong., 1st Sess.

⁸ Executive Order No. 6726 of May 29, 1934, House Doc. No. 390, 73d Cong., 2d Sess.

tion was formed. The President also appointed a committee early in 1936 which came to be known as the President's Committee on Administrative Management.

The Senate Committee employed the Brookings Institution to study "the organization and administration of existing functions" and to make "recommendations regarding the improvement of their administrative performance." The Brookings report, submitted in final form as a single document on August 16, 1937, reviewed the whole problem of federal administrative reorganization, and in a series of functional studies offered suggestions for specific consolidations and transfers which might be made. The most noteworthy suggestions, for the purposes of this paper, aimed at the consolidation of electric-power activities under the supervision of a single agency, either the present Federal Power Commission or a new Federal Power Administration; the consolidation of promotional activities in the field of transportation in either a new Department of Transportation or a Division of Transportation in the Department of Commerce; and the creation of a Department of Welfare, to include existing activities in the fields of labor, education, public health, and relief. Should such a welfare department be created, the report suggested the possibility of giving labor representation in the President's cabinet through a secretary without portfolio.

Proposals for a separate public-works agency to undertake all engineering and construction work were rejected. With reference to the numerous problems involved in organizing administration in the overlapping fields of the public domain and agriculture, the report offered several alternatives: (1) the concentration of all public-land agencies in the Interior Department; (2) the placing of all such agencies in the Department of Agriculture; and (3) the consolidation of these two departments in a Department of Land Use.⁹

The report of the President's Committee on Administrative Management was transmitted to Congress by President Roosevelt on January 12, 1937. Though addressed primarily to the problem of increasing the effectiveness of the Office of the Chief Executive as the center of managerial authority and responsibility in the national government, the report made a number of significant recommendations relative to the problem of departmental reorganization. Proceeding on the premise that "the primary purpose of a rational organization of the administrative agencies of the Executive Branch of the Government is to reduce to a manageable compass the number of agencies reporting to the President," the committee recommended: (1) that two new departments be created,

⁹ Senate Rep. No. 1275, 75th Cong., 1st Sess. For a summary of this report, see Lloyd M. Short, "An Investigation of the Executive Agencies of the United States Government," in this REVIEW, Vol. 33 (1939), pp. 60 ff.

namely, a Department of Public Welfare and a Department of Public Works, and that the name of the Department of the Interior be changed to Department of Conservation; (2) that all administrative activities of the government be accommodated within the twelve departments; (3) that the President be given authority and responsibility for the continuous reorganization of the government within the departmental structure; (4) that internal departmental organization follow the general pattern recommended for the government as a whole; (5) that the administrative work of the independent regulatory commissions and boards be transferred to a regular department, with a multiple-member body within the department to deal with judicial work; and (6) that government corporations likewise be brought within the departmental system as semi-autonomous divisions.¹⁰

Bills were introduced in both houses of Congress embodying these and other recommendations of the President's Committee. After extended hearings and debate during 1937 and 1938, a Reorganization Act was passed and approved on April 3, 1939 (53 Stat. 561). Its principal provisions authorized the President (1) to appoint not to exceed six administrative assistants, and (2) to prepare reorganization plans effecting transfers, consolidations, and abolitions of governmental agencies, which plans would become effective if not disapproved by a concurrent resolution passed by the two houses of Congress within sixty days after the transmittal of such plans. The ten departments as such, and the independent regulatory commissions and a number of other independent agencies in their entirety, were exempted from this authority, which was to expire on January 21, 1941.¹¹

Five reorganization plans were submitted by President Roosevelt during 1939 and 1940. The principal changes made by these plans, none of which was disapproved by Congress, may be summarized as follows. Plan 1 transferred the Budget Bureau and the National Resources Committee to the new Executive Office of the President; shifted the Farm Credit Administration to the Department of Agriculture; and created a Federal Security Agency, a Federal Works Agency, and a Federal Loan Agency, with resulting reduction in existing separate units. Plan 2 transferred the foreign services of the Departments of Commerce and Agriculture to the Department of State; placed the independent Rural Electrification Administration in the Department of Agriculture; and transferred a number of bureaus from one department to another, including the Inland Waterways Corporation from the War Department to the Depart-

¹⁰ President's Committee on Administrative Management, *Report with Special Studies* (Washington, 1937), pp. 31 ff.

¹¹ For a history of the several proposed reorganization bills, see Meriam and Schmeckebier, *op. cit.*, pp. 222 ff.

ment of Commerce. Plan 3 consolidated certain Treasury functions in a Fiscal Service under the direction of a permanent Fiscal Assistant Secretary; merged the Bureau of Fisheries and the Bureau of Biological Survey, previously transferred to the Interior Department from the Departments of Commerce and Agriculture, respectively, into a Fish and Wildlife Service; and joined the Division of Marketing of the Agricultural Adjustment Administration and the Federal Surplus Commodities Corporation in the Department of Agriculture into a Surplus Marketing Administration. Plan 4 transferred both the independent Civil Aeronautics Authority and the Weather Bureau in the Department of Agriculture to the Department of Commerce and moved the Food and Drug Administration from the Department of Agriculture to the Federal Security Agency. Plan 5 transferred the Immigration and Naturalization Service from the Department of Labor to the Department of Justice.¹²

IV

✓ World War II brought many new agencies into the national administrative system, most of which were created by executive orders issued under the war powers legislation or by virtue of the President's authority as commander-in-chief of the armed forces. The new agencies, with few exceptions, were established outside the regular departmental system, though all federal agencies participated in varying degree in the total war effort. Perhaps the most significant development of the war period was the extensive use of coordinating agencies designed to achieve more effective teamwork and to reduce the number of persons reporting directly to the President. It is as yet too early to assess the full impact of our wartime administrative experience upon the government's peacetime organization.¹³

In response to the request of President Truman, Congress passed the Reorganization Act of 1945, approved December 20 (Public Law No. 263, 79th Cong., 1st Sess.). This act again confers on the chief executive for a limited time—until April 1, 1948—authority to transfer, consolidate, and abolish executive agencies and functions, subject to congressional

¹² For the full text of these plans, see House Docs. Nos. 262, 288, 76th Cong., 1st Sess., and House Docs. Nos. 681, 692, and 784, 76th Cong., 3d Sess. See also U. S. Code, Tit. 5, par. 133t. It may be added that Congress, by act of February 24, 1945 (59 Stat. 5), voted to restore independent status to the Federal Loan Agency, which in 1942 had been transferred to the Department of Commerce by Executive Order No. 9071.

¹³ For commentaries on administrative organization in wartime, see Louis Brownlow, "Reconversion of the Federal Administrative Machinery from War to Peace," *Public Administration Review*, Vol. 4 (1944), pp. 309 ff.; Luther Gulick, "War Organization of the Federal Government," in this REVIEW, Vol. 38 (1944), pp. 1166 ff.

veto within sixty days. On May 16, 1946, three reorganization plans were submitted by the President to Congress. They aimed to consolidate housing activities on a permanent basis under the wartime National Housing Agency; to abolish the Social Security Board and to transfer its functions, together with the welfare functions of the Children's Bureau in the Department of Labor and certain additional units, to the Federal Security Agency; and to effect other changes.¹⁴ All three plans were disapproved by the House of Representatives, but the Senate disapproved only Plan 1 concerned primarily with the integration of housing activities,¹⁵ thus causing Plans 2 and 3 to become effective.

V

✓ The one major change in the departmental system which has been widely discussed both during and since the close of World War II is that of a single Department of National Defense. ✓ Wartime problems of coördination, the expansion of the air forces of both the Army and the Navy, and the obvious advantages of planning through the Joint Chiefs of Staff in Washington and unified command in the several theaters of war have greatly strengthened the arguments in favor of merger, strongly supported by President Truman. Congressional consideration of the proposal over a period of several months, during which Navy opposition was reflected also in a hostile attitude on the part of the members of the Senate and House committees on naval affairs, eventually culminated in the drafting of a bill by a subcommittee of the Senate Committee on Military Affairs. The bill called for a single Department of Common Defense, with one Secretary and one Chief of Staff.

Sharply rebuking Navy antagonism toward the merger, President Truman called on the Secretaries of War and Navy to make a sincere effort to settle their differences. A report submitted by them to the President and his reply to it were transmitted by him to the congressional committees on June 15, 1946. Agreement was reached on a number of important points, but not on the over-all departmental structure. On this question the President compromised with Navy opposition by proposing a Department of National Defense with a single civilian Secretary who would be a member of the cabinet; however, under him each of the three coördinate services—Army, Navy, and Air—would be headed by civilians

¹⁴ For the text of these plans, see House Docs. Nos. 594, 595, and 596, 79th Cong., 2d Sess., 1946.

¹⁵ For congressional committee action, see House Con. Res. Nos. 151, 154, and 155, and Senate Con. Res. Nos. 64, 65, and 66, 79th Cong., 2d Sess.; hearings before the House Committee on Expenditures in the Executive Departments, 79th Cong., 2d Sess., on House Con. Res. Nos. 151, 154, and 155 (June, 1946); House Reps. Nos. 2326, 2327, 2328, and Senate Reps. Nos. 1670, 1671, and 1672, 79th Cong., 2d Sess.

also with the title of "Secretary" though not members of the cabinet. The plan for a single Chief of Staff was given up in favor of Joint Chiefs of Staff. The President subsequently conceded reluctantly that even this compromise plan had no chance of being acted upon by Congress before its adjournment in the summer of 1946.¹⁶

VI

✓ The record of departmental reorganization between the two wars reveals congressional acceptance, at least in principle, of the need for continuous study of the problem and presidential initiative in submitting specific proposals for change. Although a large number of such changes have been made, it is equally obvious that neither the President nor Congress has actually come to grips with the fundamental issue. This issue involves nothing less than accommodation of the departmental system to the increasing number and variety of administrative functions. Such accommodation presents serious questions as to (1) the number and jurisdiction of executive agencies; (2) the grouping of administrative units within the agencies; and (3) the limited span of control of the chief executive even when aided by staff agencies and assistants. The report of the President's Committee on Administrative Management devoted a good deal of attention to these matters, without receiving much consideration.

✓ The advantages to be derived from a relatively small number of large departments with jurisdictions including several closely related functions, as contrasted with a larger number of unifunctional departments, have claimed the thought of students of administrative organization. Supporters of the first alternative point to the much reduced number of individuals reporting directly to the chief executive, and to the possibility of achieving the desired coordination intradepartmentally with much less resistance and loss of time. Advocates of the second alternative insist that large departments tend toward top-heaviness, with additional layers of authority and responsibility; that the heads of such departments lose intimate contact with the actual work being performed; that the problem of span of control reappears within the departments; and that the need for coordination can be met through the medium of interdepartmental committees.¹⁷ Attention also has been paid to the experience of other countries, notably Great Britain and Germany, in divorcing to a considerable extent responsibility for large operating bureaus from responsibility for administrative planning and policy formation, and in developing a hierarchy within the departments which will permit a very substantial

¹⁶ On this subject, see *New York Times*, Apr. 14 and June 16, 1946.

¹⁷ For discussions of these alternatives, see Schuyler C. Wallace, *Federal Departmentalization* (New York, 1941), ch. III, and Meriam and Schmeckebier, *op. cit.*, pp. 159 ff.

delegation of responsibility and a reduction in the number of sub-reporting to the department head.¹⁸

One of the most concrete suggestions concerning the problem of constituting the departmental system is that of Mr. E. Charles Woods, who contributed with special reference to the relation of this problem to the war effort. He would reduce the number of departments to sections: National Defense, Civilian Mobilization, Public Welfare, Finance, Economics, Foreign Relations, Justice, and Administrative Management and Planning—with a further possibility of placing the Department of Justice and the independent regulatory commissions under the Department of Public Welfare. Mr. Woods points out that the heads of departments should be coordinators and planners rather than supervisors, and should possess great social vision, analytical ability, and administrative talent.¹⁹ An alternative to such an attempt to consolidate administrative activities into a small number of great departments would be to provide additional unifunctional departments beyond the number now in existence. If this is done, the necessary coordination between them as need for them is demonstrated, the necessary coordination between them to be secured from a more effective cabinet, served by a permanent secretariat, and a series of interdepartmental committees.²⁰ Anderson, in a notable address delivered at Oxford University in 1946, entitled "The Machinery of Government," rejects the present system of supervisory ministers in British administration as a means of achieving coordination and a reduction in the burden upon the Minister; instead, he favors a system of cabinet committees.²¹

Marshall Dimock, insisting that "inadequate coordination is the greatest defect of American national government," proposes still another solution. He would make the Vice President an operating executive who would coordinate the administrative branch under policies and

¹⁸ Cf. Arnold Brecht and Comstock Glaser, *The Art and Technique of Administration in German Ministries* (Cambridge, 1940), esp. chs. II–VI. See also *Discussions on the Streamlining of Departmental Headquarters*, Special Committee on Comparative Administration, Committee on Public Administration, Social Research Council (May 29, 1945), mimeo.

¹⁹ E. Charles Woods, "A Proposed Reorganization of the Executive Branch of the Federal Government," in this REVIEW, Vol. 37 (1943), pp. 476 ff. At the same time a proposal for drastic reorganization called for a cabinet of seven department secretaries—War and Navy, Commerce and Labor, Agriculture and Interior, Treasury, Justice, and Post Office. See Abbott Pulliam, *War Management in Washington*, Citizens' Bureau of Governmental Research of New York (St. Paul, 1942).

²⁰ For a thoughtful discussion of this alternative, see Arthur W. Macmahon, "The Future Organizational Pattern of the Executive Branch," in this REVIEW, Vol. 38 (1944), pp. 1187 ff.

²¹ Printed in part in the *Whitley Bulletin* for June, 1946, p. 48. See also the interesting editorial comment on this address from the *London Times*, *ibid.*, p. 49.

decided upon after consultation with the President."²² In this connection, our recent experience with the Office of War Mobilization and Reconversion may well have a bearing upon future developments.

Whether the national departmental system will come to consist of more or fewer major organizational units, and whatever may be the devices employed for the coordination of the activities of such units, the basic problem of allocating operating functions in a rational manner will remain. The creation of new departments or the reassignment of functions among existing agencies will, and should, reflect changing emphases in national policy and the urgencies of the time. Just as the demand for greater economic security during the thirties and the pressure for governmental action in the field of housing before, during, and after the war led to the establishment of new agencies and the refocusing of existing activities, so will other functions emerge or take on new significance. Organizational patterns must be adjusted accordingly.

Thus, the all-important area of international affairs has necessitated a greater concentration of governmental activities affecting our relations with other countries and with the United Nations. The tremendous expansion of air transportation which is expected to occur will assuredly influence existing organizational arrangements and the assignment of promotional and regulatory functions in the entire field of transportation. The persistent problems of defining more clearly the rôle of the federal government in the field of industrial relations and of institutionalizing more effectively organized labor's participation in national administration have already resulted in some realignments, and are likely to require more.

This essential and continuing task of functional grouping and regrouping likewise affects the internal structure of executive agencies. Never easy, because of legislative, administrative, and external pressures to maintain the *status quo*, the job is made less difficult when, as in the case of such departments as State and Agriculture, Congress has been willing to forego the prerogative of establishing bureaus, offices, and divisions by statute.²³

VII

In conclusion, reference should be made to the increasingly significant problem of organizing and supervising the far-flung field services of our national agencies. Beginning with the report of the National Resources Committee on regional factors in national planning and the work of

²² "Administrative Efficiency Within a Democratic Polity," in *New Horizons in Public Administration* (University, Ala., 1945), pp. 37-38.

²³ For an interesting discussion of intradepartmental organization within the Department of State, see Arthur W. Macmahon, "Function and Area in the Administration of International Affairs," *ibid.*, pp. 119 ff.

James Fesler for the President's Committee on Administrative Management, some excellent studies of this subject have been made addressed to such phases as the delineation of geographical areas of administration and the location of field offices; the organization and rôle of an office of field operations at departmental headquarters; the integration of field services, both interdepartmentally and intradepartmentally; the factors which govern the degree to which operations can be and should be decentralized; the relative advantages of supervision of field offices by specialized divisions or bureaus at departmental headquarters as distinguished from a single office of field operations; and the relationship of central staff or auxiliary units to line units in the field.²⁴ These studies appear to point rather conclusively to the need for, and the possibilities of, a much greater degree of decentralization than has characterized the structure and operations of federal administrative agencies in the past. Equally challenging is the need to develop techniques and procedures for coördinating field activities; communicating headquarters objectives and policies to the field; and reconciling a large measure of decentralized authority and responsibility with a basic minimum of central supervision and control. As William Carey puts it, "the administrator must delegate and decentralize while perfecting his tools for control and supervision."²⁵

V. SYSTEMATIZING CONGRESSIONAL CONTROL

ROBERT M. LA FOLLETTE, JR.*

Former United States Senator from Wisconsin

I

✓Ours is a government of "checks and balances." It is the traditional concept which Montesquieu propounded in saying: "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates." One of the knottiest problems in the science of democratic government is that of reducing this basic theory of separated powers to a workable and efficient system. It requires the establishment of a proper balance, and devices of coördination that

²⁴ Some of the more recent contributions to the literature on this subject are: *Washington-Field Relationships in the Federal Service*, by Donald C. Stone and Others, Graduate School, United States Department of Agriculture (Washington, 1942); *Federal Field Offices*, Legislative Reference Service, Library of Congress, Senate Doc. No. 22, 78th Cong., 1st Sess., 1943; Earl G. Latham, "Executive Management and the Federal Field Service," *Public Administration Review*, Vol. 5 (1945), pp. 16 ff.; William C. Carey, "Control and Supervision of Field Offices," *ibid.*, Vol. 6 (1946), pp. 20 ff.; and John D. Millett, "Field Organization and Staff Supervision," in *New Horizons in Public Administration*, cit. above, pp. 96 ff.

²⁵ Carey, *loc. cit.*, p. 20.

* Chairman, Joint Committee on the Organization of Congress (1945-46).

facilitate action but do not disturb the balance of powers. It also requires formal methods of procedure.

This is a problem peculiar to democracy. Dictatorships, oligarchies, or any other forms of government asserting power on their own authority are concerned only incidentally with the procedures and formalities of governing. Methods are changed at will. Stability is attained by whatever continuity is established in the decrees and programs of the ruling group. By contrast, our democracy must accommodate itself to changing conditions through a process of amending organizational frameworks. Stability depends more on our system of procedures than on the people currently operating the government.

For a proper balance, there must be, on the one hand, reasonable protection against ill-advised action and the usurpation of power by any minority. On the other hand, democracy cannot countenance a stalemate, a slowdown, or inefficient government resulting from an exaggerated checkmating of powers. Checks and balances are brakes that can do both good and ill, depending on how they are applied. Too often we have had the wholly negative approach, without any emphasis on the necessary coordination and cooperation between independent branches of government.

II

As a matter of practical application in government, the experience of the last 150 years indicates that the line of separation is sometimes difficult to draw. This was recognized at the outset by Madison when he observed: "The degree of separation which the maxim requires, as essential to a free government, can never in practice be duly maintained." However, throughout our history as a nation, we have accepted the theory of separated powers as one of the basic principles of our government. With the passage of time, during which governmental activities expanded continuously, two situations have developed that impinge directly on the separation of powers.

First, the size of government has grown to the point where large delegations of power must be made to agencies and individuals subordinated to Congress, the President, and the Supreme Court. The tendency has been for the executive branch to absorb many secondary legislative and judicial powers. Together with the partial erasure of separated powers on the administrative level, there also has been a tendency to delegate certain powers with authority of final action.

In the administration of wartime powers, for example, some of the federal agencies were given a scope of authority which precluded appeals to the courts or higher executive authority. Even in peacetime, administrators are frequently granted unusual powers in making findings and decisions. In general, the administrative departments have assumed a

mixture of legislative, executive, and judicial functions in carrying out the complex duties that have developed with an expanding government in a highly diversified society ✓

However, the amalgamation of powers on the lower administrative levels does not of necessity weaken the basic theory. It is by means of the delegation and divestment of the laborious duties connected with less essential details that Congress and the President can better equip themselves to perform a stronger rôle and better maintain our constitutional system. ✓

The second situation affecting the separation of powers is likewise an outgrowth of the expanded activities of government and the accelerated pace of modern industrial life. In days when the government played a lesser rôle and when the pace of living was slower, it was of no particular consequence that our governmental system lacked positive machinery to give systematic form to the relationships between the legislative and executive branches. Haphazard dealings were sufficient. The important factor was the existence of checks and balances. We still have need for checks and balances, but now we also have need for machinery to insure coöperation. Governmental activities have become too vital to permit insoluble conflicts to arise between Congress and the chief executive.

The remedy lies in providing appropriate structure and procedure. Reorganization, therefore, falls into three different categories: reorganization within the executive branch, reorganization within the legislative branch, and reorganization to effect better relationships between both. All of these efforts relate to the formalization of machinery and methods.

III

What should be the rôle of Congress in its relationships with the executive departments? How can those relationships be improved to strengthen the government, to make it more efficient, to make it more responsive to the will of the people?

Congress has three great powers that come within the purview of our discussion: (1) the promulgation of general policy; (2) the recurrent determination of official duties, basic organization, and financial needs; and (3) surveillance over the administration and the effectiveness of the laws. These powers are not separate and distinct, but here it is convenient so to group them. In regard to each power, there are certain weaknesses in the links with the executive branch. An important part of the recent reorganization of Congress is directed toward strengthening these links.

✓ The approach taken in the Legislative Reorganization Act of 1946 reflects the constitutional rôle of Congress. Just how far should Congress go in its oversight of federal administration? To the casual observer, it might appear, for instance, that Congress is stepping beyond its bounds in prescribing the structure of the executive department and its relationships

with the legislature. Why, it might be asked, does not the President exercise jurisdiction over the organization of his own departments? Why should Congress exercise this control?

The fact is that Congress occupies a unique position as overseer under our Constitution. Congress is the keystone of our representative government. It is through the legislature that the people have control of the government. Congress functions as an intermediary between the people and the government as a whole.

The chief executive, too, is answerable directly to the people, but the executive departments are not, except indirectly. The closest tie lies in the principle that cabinet officers who head the departments serve at the pleasure of the President. The Constitution specifically vests the executive power in the President; it fails to define the departmental system and the officials to serve under him. In fact, Congress is charged with the responsibility of providing by law for the organizational framework to indicate the status of all governmental officers other than those referred to by the Constitution. Moreover, while the appointive power rests with the President—unless delegated by law in the case of “inferior” officers—the Senate retains the power of advice and consent.

Congress, therefore, has a broad responsibility for exercising controls to bring about better governmental operation. If Congress is to discharge its full responsibility, it must provide for the integration and correlated leadership of the executive branch, and also for sound working arrangements between it and the legislature.

IV

What are some of the weaknesses that have been revealed in legislative-executive relationships? The following situations are frequently cited:

- (1) There is haphazard correlation of legislative policies. The President and the Congress frequently reach a deadlock on important legislation.
- (2) Budgetary and fiscal policies are handled piecemeal. Over-all planning and control are lacking. Authority and responsibility are too widely diffused.
- (3) Congress exercises no systematic review of its laws. It relies on sporadic investigations, on secondary sources, on inadequate staff, and on an overlapping committee structure that cannot be readily geared to administrative activities.
- (4) Party programs and legislative leadership have no formal means of exerting influence. National concerns suffer at the expense of sectional and special interests.
- (5) The internal machinery of Congress is inadequate to permit more expeditious treatment of important legislative business. A log-jam of bills—such as has frequently happened in recent sessions—is the surest sign of obstructions in the flow. Members of Congress carry heavy secondary and non-essential loads of work.
- (6) Legislative research and staff facilities are inadequate. Congressional policies and salaries fail to attract the expert assistance required

to formulate legislation. (7) Insufficient protection exists against pressure groups and lobbyists.

These are but a few of the commonly acknowledged shortcomings. Critical opinions have been voiced also concerning the seniority practice in Congress, the complexity of legislative rules, the inordinate powers of certain committees, the obstructions of orderly debate in the Senate, and the absence of methods of affording a congressional forum for cabinet members.

Some of the problems were considered by the President's Committee on Administrative Management, which presented its report in January, 1937. The report reached the conclusion that "processes of diffusion" in Congress tended to defeat executive accountability. Congress was blamed for imposing too many detailed requirements on the executive branch, both in general laws and in appropriation riders. The effect, according to the report, was that the executive departments were hampered in the full exercise of their responsibilities toward the legislative branch.

The President's Committee also recommended the establishment of an independent fiscal audit, and suggested that Congress in pursuing its investigatorial activities had neglected the establishment of adequate machinery for the collection and coordination of pertinent information. The remedial action proposed by the report was for Congress to establish several additional special or joint committees, specifically a Fiscal Affairs Committee, and, for non-fiscal matters of over-all planning, other committees on Personnel, Planning, and the Budget.

V

The Joint Committee on the Organization of Congress recognized some of the same deficiencies, but took an entirely different approach with respect to corrective action. Instead of proposing additional special committees, it recommended that all special committees be banned and that the structure of all standing committees be revised and simplified. The Legislative Reorganization Act failed to place a flat prohibition on special committees, but did revise and simplify the committee structure, substantially as the Joint Committee had recommended.

✓ The Joint Committee hoped to gain many advantages through the proposed simplification. First, the jurisdiction of the committees could be redefined to conform with established spheres of governmental activity. With a parallel organization in both houses of Congress and in the executive branch, natural channels could be developed for the correlation of activities. This would have important benefits both in the formulation of policy and in exercising legislative surveillance. For both ends, a simplified committee structure is indispensable.

Some criticism has been voiced to the effect that a simplified structure may lead to too much specialization, and even foster specialized spheres

of influence between the corresponding groups in Congress and the departments. That general criticism has been made—perhaps with some justification—of the closely knit relationships that have developed, for example, between the War Department and the Military Affairs committees, or the Navy Department and the Naval Affairs committees. Such relationships, it is charged, can result in biased points of view. Actually, dangers along this line are remote because two conditions will tend to offset each other. The parallel organization will gravitate toward specialization, but the breadth of jurisdiction within a single one of the fewer committees will bring together a greater variety of subject-matter concerns, which will have the opposite effect.

In the second place, the revised committee structure can insure a more orderly consideration of all related legislation, and provide a centralized accumulation of data relating to a particular subject. Legislative consideration would be in sharper focus if subcommittees of regular standing committees carried on the legislature's investigatorial and surveillance activities. Special investigating committees have made notable contributions toward better government, but there has always been much duplication, especially if the end-result is to be the introduction and enactment of legislation.

Undoubtedly, an effort will be made in subsequent sessions to nullify or modify these and other provisions of the Legislative Reorganization Act. No Congress can bind a succeeding Congress on rules or other enactments. The opposition will come in the main from those who previously stood in the way of reform. New members, who will have no vested rights in the old order, can probably be expected to appreciate this part of the reorganization.

VI

To meet the need for policy integration in terms of a legislative program, the Joint Committee proposed to set up policy committees of the majority and principal minority parties. These committees would have no direct part in the consideration of legislation, nor any part in reporting or voting. They would have no power to bind individual members or standing committees to any course of action.

The advantages to be gained from such an arrangement are obvious. Party positions would be crystallized and clearly set forth. Both the majority and minority would play rôles in planning policy; alternative policies could be developed more readily. By looking at the whole picture, greater emphasis would be placed on national welfare as against sectional or special interests. The policy committees would afford general leadership on much legislation of secondary importance that is now considered only hastily. In other words, the policy committees would be an advisory superstructure on the simplified committee system. The policy committee of

the majority party in each house would perform still another correlating job—that of combining with the President and his cabinet to form a Joint Legislative-Executive Council. On some occasions, the minority policy committees might also be included in such joint conferences.

The degree of successful planning in the Joint Council would depend to a large extent on the human element of the personalities involved, just as the strength of the executive branch is often a reflection of the personality of the President. The importance of the Council consists in the establishment of formal procedures to accomplish liaison instead of informal improvisation. A stronger bond in policy would be developed between the legislative and executive branches. Policy would no longer have to be channeled through one or two or a handful of men in either branch.

Fourteen members of Congress would sit around the council table with the President and his ten cabinet members. Cabinet members for the first time would have an opportunity to participate directly in the discussion of a unified legislative program. Legislative leaders could avoid head-on clashes with the President over much legislation if a better understanding were secured of the point of view of the executive branch, and *vice versa*.

An illustration on a limited scale of what can be done along this path is afforded by the good liaison with Congress established by the State Department. When members of the Foreign Relations Committee were kept informed and brought into joint consultation with State Department officials on vital matters of foreign policy, the State Department got not only better bipartisan support in the legislature but also much valuable advice.

Unfortunately, the House of Representatives did not see fit to approve this part of the Joint Committee's program, despite its endorsement by the Senate. It was not written into the Legislative Reorganization Act. Yet, part of the program was salvaged when the Senate on my motion later took action in an appropriation bill to provide funds for the organization of policy committees in the Senate. The net effect is that under the present law the Senate will have majority and minority policy committees, while the House will not. Not until the House takes similar action can there be the formation of an effective Joint Legislative-Executive Council.

The importance of providing machinery for a unified legislative program and over-all planning cannot be over-emphasized. Lack of such planning and of unity of objectives is at the root of certain congressional weaknesses that are frequently attributed to other causes. It is a common thing to accuse Congress of "log-rolling" on all issues in which sectional or special interests are involved. Actually, there is not as much trading and dealing in votes as is imagined. The end-result is simply due to the absence of responsibility for a comprehensive program. Contrary to many opinions, Congress is very sensitive to just complaints, whether it be on the part of sectional interests or any one else. If an offsetting case is not made—and

usually it is not when a broad program is at stake—the outcome will favor sectional interests over the national interest.)

Furthermore, when a bill is under consideration, in general the opposition puts forth amendments and can sometimes append certain restrictions that may be totally incongruous. Occasionally, a bill may be so amended that the author is forced to vote against it on final passage. All of these situations are indicative of the need for policy committees to formulate and consolidate sentiment behind unified programs for both the majority and minority parties. Such committees are also vehicles by which party responsibility can be more firmly established, and by which the electorate can arrive at a more intelligent judgment in its choice of candidates for public office.

VII

In common with most other students of congressional problems, (the Joint Committee recommended that Congress be more adequately provided with professional staff members. It is physically impossible for law-makers to become experts on all phases of public policy on which they must pass. Unlike an administrator, who has a limited scope of activities, each congressman has to deal with the entire gamut of governmental activity. Because in addition he must deal intensively with particular subjects at hand, he must have available to him fully competent advice at all times.)

In the past, Congress has relied heavily on advice from the experts in the executive branch. Congressional committees have frequently borrowed such personnel for months at a time, without a shift of payrolls. There is much to be said in favor of such practice; more is to be said against it. It does give Congress the experience gained from "work in the downtown departments," but it does not furnish assurance of an impartial and balanced viewpoint. Moreover, when a staff organization is built up with personnel borrowed from the departments, the organization can easily become separated from any direct responsibility to either Congress or the executive branch. Within the last few years, Congress has gradually restricted this practice and required that use of such personnel be authorized and its pay be met out of congressional funds.

(The technique of bill-drafting itself is a difficult job that is usually delegated to experts.) There is no particular objection to having bills drawn in an executive department or any other place, if they accurately reflect the intent of Congress or that of its members sponsoring the bills. However, no good reason exists why this responsibility should be delegated. (Congress employs a relatively small, but efficient, bill-drafting service. The Joint Committee recommended an expansion of the service, as well as of the staff of the Legislative Reference Service—each of which provides Congress with experts along specialized lines. Other recommendations

aimed to improve the staffing of the offices of the members of Congress.)

The primary benefits of improved staffing will accrue to the internal operation of Congress. Most of the staffing changes are planned with that idea in mind. At the same time, it is not unreasonable to expect that the improvement will be reflected in more comprehensive congressional control, a more tolerant and understanding attitude on common problems, and a generally improved relationship with the executive branch.

VIII

One other main topic deserves consideration: fiscal control by Congress. Mention was made of the fact that (the President's Committee on Administrative Management, and others, have criticized Congress for the inadequate state of its fiscal control. Certainly no one can justify the lack of coördination that has existed between the several committees in both houses of Congress that deal with taxing and spending. Under the Legislative Reorganization Act, the two committees in each house concerned with raising revenue and with appropriations will be required to meet jointly at the beginning of each regular session and make a report on proposed over-all federal receipts and expenditures. A concurrent resolution will accompany their report, setting forth the maximum to be appropriated for expenditures in the coming fiscal year. If an estimated deficit will result, the concurrent resolution must also include a proposal that the public debt be increased by the amount of the deficit. The recommendations of the Joint Committee went still further, requiring a more rigid balance, and to this end setting forth a procedure for presidential reduction of appropriations when the balance was upset.

Numerous objections were made to the novel ceiling procedure. Some criticized it on the ground that it would work at cross-purposes with federal financial planning under the Employment Act of 1946. This is not necessarily true, because the needs of a "full employment" program could and would be considered in setting the expenditure ceiling. The legislative reorganization bill, as passed by the Senate, made allowance for this necessity. But the most important part of the proposed budget procedure is not the setting of a ceiling. It lies in getting together the committees of both houses that have jurisdiction over federal taxing and spending.

Objections were raised also to giving the President flexible power to cut appropriations. It was feared that he might counteract the expressed desires of Congress. On the other hand, proposals have often been made—apart from the recent legislative reorganization—that the President be given selective veto powers over all appropriation bills. Such item veto would require a constitutional amendment.

Additional improvements can be made in establishing a more uniform itemization in appropriation bills, in order to prevent both impairment of

administrative action by too detailed specifications or uncertainty of "blank-check" authority that goes with some of the large lump-sum appropriations. Similarly, there is considerable merit in trying to concentrate the appropriation process into a shorter period of time. Sandwiched between, and delayed by, other legislation, this process is a long-drawn-out affair. Some of the estimates are worked out so long in advance that they are no longer entirely up to date when Congress takes action on them. There is a growing practice on the part of the executive branch to defer sending estimates to Congress on conjectural items until many months after the budget is submitted. This permits more exact estimates to be made on some items, but is subject to criticism on the score that it detracts from the basic purpose of a budget—to give a complete picture of the fiscal program.

The report of the President's Committee suggested that this condition might be overcome by deferring the submission of the President's budget several months, from January to March or April. The Legislative Reorganization Act takes no such action. It does make procedural changes that ease and improve the appropriation process. The act provides limitations on the use of legislative riders on appropriation bills. It directs that uniform appropriation classifications be devised. It requires that hearings and reports on appropriations be available for study prior to consideration in either house. It calls on the appropriations committees of both houses to make a study with a view toward limiting permanent appropriations and setting up a system of control in the disposition of funds acquired by the executive departments through sale of government property and services.

The Joint Committee further recommended an injunction against all executive transfers of funds between agencies. This prohibition was omitted in the Senate in the face of administrative problems it would create in the execution of the budget. On the other hand, the act provides for expenditure analyses and related studies by the Comptroller-General "which, in the opinion of the Comptroller-General, will enable Congress to determine whether public funds have been economically and efficiently expended." Similarly, he is directed to make a study of restrictions written into appropriation acts, for the purpose of determining the cost of such restrictions imposed upon administration and suggesting improvements. The present system of detailed audits by the Comptroller-General has not served as an adequate accounting for government funds, because it does not include reports on administrative performance and over-all operations. Buttressed with the new authority, this arm of the government should be able to provide information that will give Congress a better basis for spotting careless or extravagant spending.

Although many of these adjustments, proposed and enacted, may appear technical in a sense, all of them relate to a political theme of cardinal

importance. Our form of government has weathered more than one storm in a century and a half. But it faces the most serious crisis it has ever faced right now and in the years immediately ahead. Political upheavals have placed our system of government face to face with ideologies that have no regard for individual rights and liberties. The history of the world will be profoundly influenced by the way our nation meets the vast problems of our day. To the extent that governmental reorganization achieves more efficient and better service to the people, it will enable us to maintain our democratic way of life in an uncertain future.

VI. POLITICAL LIMITATIONS ON EXECUTIVE REORGANIZATION

AVERY LEISERSON

University of Chicago

I

Time was, perhaps before the New Deal, when the limitations upon executive reorganization were largely self-limitations, which arose from a conception of administrative reform as primarily a technical problem. That is to say, students of administration assumed that their work had nothing to do with politics. The basic political decisions were to be acknowledged, and if changes were necessary they would be made by legislative enactment. Administrative analysis consisted in determining, according to criteria of efficiency and economy, the proper distribution and relationships of governmental functions. The responsibilities of the technician ended with the submission of a factual report and plans for reorganization, except that if the politicians insisted upon a different set of organizational objectives, he might give advice on the best arrangements for meeting those objectives. He might accept the responsibility of a consultant or adviser on organizational *policy*; but in so doing he was acting in a professional capacity, contributing the results of his experience in investigating methods of policy execution.

Consistently adhered to, this was a sensible and defensible position. Men acting upon such views could not be accused of challenging the rôle of any policy-determining official, or of lending their professional talents to partisan purposes. They were not power-hungry. They did not question the principle of legislative control over the executive branch. Hence, however radical their standards or proposals might be, the technicians could safely be tolerated by the politicians, who knew that such questions as who should perform what functions, what the lines of administrative responsibility should be, and how the responsible administrators should be coördinated were matters of high political importance.

This theory of executive reorganization has by no means been entirely superseded. It possesses the advantages of ideological acceptability and minimizes the problem of personal conflict for its adherents. Above all, it does not question the distinction *in levels of responsibility* between the politician and the administrator. But the underlying assumptions are sharply challenged by some recent trends in administrative thought which insist upon the inseparability of politics and administration; which identify, at least in subject-matter, "political" with "administrative" policy; which emphasize that there are elements of policy formulation at all but the routine levels of administration; and which, finally, assert the relativity of administrative principles and methods in the face of the cultural values and conflicts of the period—or the personality and social preferences of the administrator.¹

Aside from the constitutional complications imposed by the separation of powers, the significant ambiguity that we find today with respect to the meaning and scope of "political," "policy," "politics," and "administration" is probably due to two major factors: (1) the use—of course, long before 1933—of general staffs and central coordination in both public and private management; and (2) the acceleration given by the pent-up demands upon government after 1933 to the necessity for deliberate planning and correlation of policy objectives. Even before the New Deal, the impact of the "staff principle" upon administrative theory had already gone far toward breaking down the rigidity of the distinction between legislative formulation and administrative execution of policy, and toward a pragmatic unification of the governmental process in terms of "problem analysis, policy formulation, and operations."² This trend in organization engineering was quite compatible with the sudden increase in governmental functions and programs under depression and war conditions. Both required the kind of systematic research and advance study of strategic goals and alternatives of method that in military and business administration is called staff work, but in government is labeled "planning."³

If the term "political" is used to refer to the process in government by which individuals and groups compete for larger shares of influence in the formulation of policy, the efforts toward federal executive reorganization since 1932 may be interpreted as an alliance between the chief executive

¹ Cf. Paul H. Appleby, *Big Democracy* (New York, 1945); J. Donald Kingsley, *Responsible Bureaucracy* (Yellow Springs, 1945); James Burnham, *The Managerial Revolution* (New York, 1941); Arthur W. Macmahon and John D. Millett, *Federal Administrators* (New York, 1939).

² John M. Gaus, in William Anderson and J. M. Gaus, *Research in Public Administration* (Chicago, 1945), p. 131.

³ See V. O. Key, "Politics and Administration," in Leonard D. White, *The Future of Government in the United States* (Chicago, 1942), pp. 146 ff.

and a rising group of professional administrators to strengthen his position and, conversely, to weaken the almost absolute veto power of congressional committees and group pressures over proposals for the organization of the federal agencies. The rationale of this alliance was based upon (1) the reassertion of the Federalist-Theodore Roosevelt-Wilsonian conception of a strong executive, whose twentieth-century responsibilities require the tools and flexibility of modern management to bring about proper coordination of governmental functions and programs; (2) the impossibility of the President supervising personally the large number of agencies reporting to him or formally independent of him; (3) the desirability of an expert staff acting in the name of the President to study the entire executive establishment continuously and to make recommendations at appropriate times for administrative improvement. But congressional power over organization depends upon the ability to prevent as well as to authorize action. The attempt to secure stronger presidential initiative in reorganization matters thus naturally aroused the suspicion of congressmen and outside groups.

This suspicion was in evidence in the opposition to the reorganization bills of 1937 to 1939. However, the opponents deceived themselves if they believed their own propaganda interpreting President Roosevelt's motives as those of dictatorial ambition. The verdict of history is likely to portray Franklin D. Roosevelt as a man who knew and liked the game of power politics under democratic rules, and who played the game to win. Further, notwithstanding its ultimate implications, the report of his Committee on Administrative Management was certainly not the manifesto of a politically self-conscious group of federal career bureaucrats and managers. The committee was composed of men outside the federal administration, who were sincere believers in responsible government, and who saw the obstacle to executive reorganization in the psychological alignment of the bureaucrat with congressional committees and pressure groups.

The committee's theory, which involved a considerable extension of central supervision and coordination, ran counter to strong preferences for autonomy on the part of department heads and bureau chiefs. The committee formulated the main issue in executive reorganization in terms of the problem of dissociating democratic ideology from the fortuitous method of approaching problems of structure from segmental viewpoints. It sought to identify democracy with an administrative system which recognized and implemented the chief executive's unique position as the central point of national policy coordination. By such an alignment of values, it hoped that the narrower interests might be transcended and integrated on the basis of a few broad, interrelated, intelligible programs of action.

After ten years, the arguments for a more rational structure and greater

discretionary power to bring about administrative coördination may or may not seem quite as important in achieving the ends sought by the President's Committee.⁴ Still, the experience of the Budget Bureau has been extraordinarily valuable in demonstrating the potentialities and difficulties of staff activity within the Executive Office of the President.⁵ We are now in a position to evaluate more precisely the disadvantages as well as the advantages of raising administrative considerations to the highest levels of policy determination. We know that executive reorganization is but another name for mobilizing in a more effective manner the brains and resources of government in order to meet problem situations in terms of a choice among several policy alternatives.⁶

Thus executive reorganization may be conceived as an essential stage in solving the broader problem of policy planning and coördination. So viewed, mere technical limitations in the older context appear transformed. They are now those inherent in (1) institutional attitudes of Congress toward the executive branch, and (2) the struggle for influence between the protagonists of administrative improvement and those having vested interests in maintaining the *status quo*.

II

In accompanying today's reorganization specialists into the high-tension level of strategic maneuvering for prestige and responsibility between the President and Congress, we may find it helpful to look at their position in two ways. First, we shall analyze the psychological, legal, and political considerations in the congressman's experience that provide the basis for his *a priori* attitude of opposition to executive reorganization. Second, we shall try to see what Congress and the chief executive, in their respective capacities as supervisors of administration, consider its important objectives.

The congressional predisposition to oppose executive reorganization is certainly general enough to justify designating this limitation as psychological. But the limitation even extends to the institutional process through which the congressman has gained his position as the representa-

⁴ For an excellent analysis of the problematical relationship between rationality and democracy in politics, see George H. Sabine, *Democracy and Preconceived Ideas* (Columbus, 1945). Charles S. Hyneman has presented a keenly critical review of the literature advocating a stronger executive prerogative in federal management: "Bureaucracy and the Democratic System," *Louisiana Law Quarterly*, Vol. 6 (1945), pp. 309 ff.

⁵ Cf. Arthur W. Macmahon, "The Future Organizational Pattern of the Executive Branch," in this REVIEW, Vol. 38 (1944), pp. 1188 ff.

⁶ Harold D. Smith, *The Management of Your Government* (New York, 1945), pp. 29-36; Paul H. Appleby, "Administration in Big Business," *Public Administration Review*, Vol. 5 (1945), p. 255.

tive of his district. This process conditions him in making up his mind to emphasize certain factors that belong to a special order of political judgment. His sense of familiarity in dealing with matters of organization depends upon primarily personal factors, such as favorable impressions made by particular personalities, his experience in securing "coöperation" in appointments and getting information from particular administrative officials, and his identification with policies uppermost in the minds of politically important groups in his constituency. The important considerations to him are those that enhance his reputation for ability and influence, and ultimately his support in votes. To him, arguments for lessening the congressional leverage over specific agencies in which he is interested—particularly on such abstract grounds as the desirability of administrative unity, flexibility, planning, coördination, or consistency (of all things)—are either meaningless or else imply a degree of self-immolation that subverts the very reasons for his being in Washington.

His inclination to suspect the motives of the chief executive or his bureaucratic advisers is strengthened when it is implied that matters of organization should be decided on the basis of comprehensive factual investigations and the application of general standards of judgment rather than in the perspective of the welfare of special geographic, economic, or partisan interests, which are precisely those upon which the congressman feels competent to speak. He knows that concrete proposals, backed by vigorous executive support, are more difficult to modify or neglect than isolated bills of individual colleagues. Furthermore, much of the information upon which the legislative body must rely in forcing adjustments and compromises in executive proposals is in the possession of administrative agencies whose opinions are to conform with the "program of the President."

Passage of the Reorganization Acts of 1939 and 1945 in the face of such attitudes and considerations can truly be regarded as a major feat of political strategy. Having won temporary delegation of such authority, however, the chief executive and his administrative advisers must still take heed of the emotional reaction of congressmen against what they occasionally attack as attempts to exclude the legislative body from independent discussion of the merits of particular reorganization proposals. The fact that congressional rejection of individual plans, such as the housing reorganization of 1946, may be irrational from the administrative standpoint, as well as from that of public need, does not mean that such action was irrelevant on the level of political controversy. The price that administrative policy-makers must pay if they want to maintain their professional status is that the logic of their political arguments may boomerang against them.

A second main limitation upon executive reorganization consists in the

congressional tendency to interpret controversies on structure either as personal fights between bureau chiefs and department heads or as struggles between regional or economic interests. This practical outlook, which is all too frequently justified, leads the congressman to take sides for or against an agency on behalf of the groups he deems important. He is less likely to transcend the immediate issue by asking the more abstract question: "In line with what objectives of national policy should this organizational question be decided?" Or, "How can this organizational controversy be made the vehicle of redefining and reconciling conflicting objectives of national policy?"

Perhaps three examples will suffice to illustrate the limitation. (1) In 1935, a bill was introduced in both houses to change the name of the Interior Department to one which would designate it clearly as the federal agency concerned with conservation and development of natural resources. The bill was immediately attacked, and successfully cornered, by the Department of Agriculture and the lumber interests as a move to gain control of the United States Forest Service on behalf of the Western cattlemen and grazers. (2) The civil works functions of the Army Corps of Engineers constitute a veritable Rock of Gibraltar against all executive attempts to introduce any organizational integration of flood control and river development with the land-use, irrigation, and electric-power activities of other federal agencies. (3) The success of the Children's Bureau in maintaining its autonomy in the Labor Department for thirty years, against all moves to link it organizationally with such functional activities as health, education and social security, was unquestionably due to its connections with women's associations and social-work groups.

A third limitation upon executive reorganization lies in the hackneyed legal argument whether determination of structure is a legislative or an executive function. To raise this question is simply to start a debate as to whether the job should or should not be done. It can be answered only by forcing the issue on the proposition that the legislature should direct the chief executive to formulate the plans for reorganization that in his judgment seem appropriate. The practical question is whether Congress shall designate the President to bring forth recommendations, or whether it shall assert its own supremacy, thereby affirming its intention to continue the same piecemeal process of legislative enactment which resulted in executive disorganization. This was made clear in Congress when it was contended that the chief executive would of necessity repeal and contravene legislative policy, either by abolishing agencies or by consolidating a narrower with a more inclusive function.⁷ The same point came up again

⁷ See the Senate debates on the reorganization bills of 1939 and 1945, *Cong. Rec.*, Vol. 84, pp. 3024-25 (Mar. 21, 1939); Vol. 91, pp. 10427-10432 (Nov. 1, 1945).

in the argument that Congress should retain the power to scuttle reorganization plans by negative action of one house only.⁸

Once, however, congressional authorization has been granted under specified conditions of policy, it is clear that the legislative function has been exercised. Subsequent legal argument amounts simply to verbal ammunition against the provisions of particular reorganization plans. Since the argument still carries emotional weight at that stage, it does operate as a *caveat* to the chief executive and his advisers to guard themselves against charges of attempting to decide substantive questions of policy by indirection, disguise, or procedural sleight-of-hand.

A fourth limitation results from the congressional response to the complexity of the problem of deciding the proper level at which organizational decisions should be made. As we said earlier, a democratic chief executive must not appear arbitrarily to try to foreclose the legislative prerogative of investigation and discussion of the merits of policy. On the other hand, he knows that when organizational problems become political issues—that is, get mixed up in the conflicting social valuations and personal inclinations of several hundred legislators—almost anything may happen except that the decision will be pertinent to the solution of the administrative problem.

One entirely natural tendency in administration is to get issues decided as close as possible to the point of origin. Since good management sees to it that controversial issues are presented for action at the level of responsibility appropriate to their effective disposition, each lower level of responsibility attempts to present its recommendation in such a way as to make its judgment appear unquestionable to the next higher echelon of command.

The chief executive, too, must strive to make his organizational decisions persuasive enough to convince the legislature of the moral iniquity and ominous responsibility it incurs by rejecting his considered judgment. So problematic and contingent are transactions on the level of executive-legislative relations that it requires the most consummate skill on the part of the President even to command the legislature's attention, let alone respect and deference for his considered recommendations. Conversely, on the most detailed matters of organization he may incur charges of arbitrariness, caprice, usurpation, or dictation, to say nothing of violation of states' rights, elementary justice, and individual freedom. Most students of management would probably agree that individual freedom is likely to

⁸ This procedure was provided in the Economy Act of 1932 (47 Stat. 413) until amended by 47 Stat. 1517 on March 3, 1933, and by the Senate Judiciary Committee draft of the 1945 bill (S. 1120, 79th Cong., 1st Sess.). See Senate Rep. No. 638, 79th Cong., 1st Sess., for an analysis of past legislation on executive reorganization.

suffer more from bureaucratic decision at the lower rather than the higher levels of management. By the same token, legislative opinion on problems of organization is more likely to reflect special interests when it is nourished at lower levels of bureaucratic opinion—such as the clientele bureau—than when it leans toward the broader views at the center and on the higher levels of administration.

It should not be denied that there are self-limitations at work within an executive staff engaged continuously in reorganization work. One is that staff advisers in the Executive Office may identify themselves with some extraneous cause which leads them to take sides on irrelevant controversies, instead of confining themselves to their responsibility to the President. In the second place, his immediate administrative advisers may violate the staff principle by using their influence with the President to short-circuit the advice of responsible operating officials. Third, these staff advisers may fail to overcome the traditional shortcomings of the technician: they may forget that there are higher values than the mechanics of central controls, and that "paper coördination" is less important than actual results achieved in operations.

These are inherent difficulties in any large organization. They have to be surmounted by leadership, judgment, and ability at the top; by discriminating recruitment; by systematic attention to the human factor through training and supervision of staff; and by legislative promotion of administrative morale, especially by providing conditions under which reliable professional standards of public service can develop.⁹ Perhaps the most effective "inner check" upon executive reorganization, however, consists in the continuing relations of mutual influence between the President's administrative aides and the department heads. These relations are sufficiently complex and delicate to weight the possibilities as much in favor of great caution as in favor of a capricious exercise of the President's reorganization authority.

III

The legislative proceedings culminating in the passage of the Reorganization Act of 1945 afforded an opportunity to compare congressional and executive definitions of the objectives in mind. For the purpose of this comparison, the declaration of policy in Sec. 2 (a) of the act has been taken as representative of the congressional attitude. The statement of the Budget Director before the Senate Judiciary Committee in the hearings on S. 1120 (79th Cong., pp. 36-58) may be assumed to represent the attitude of the President in his capacity as administrative chief of the executive branch. Among the five major objectives entertained by both,

⁹ Cf. Leonard D. White, "Legislative Responsibility for Administration," in *New Horizons in Public Administration* (University, Ala., 1945), pp. 1 ff.

there is a great similarity in language, and only one apparently irreconcilable conflict as to meaning. The differences appear in the order of priority among the objectives, in the substitution from the executive side of a qualitative for a strictly dollars-and-cents concept of financial economy, and in the congressional exception to the executive's assertion of an independent right of initiative in policy coordination.

For example, Congress and the President agreed on the importance of an orderly transition from war to peace, which meant simply that the organizational changes effected under the First War Powers Act would not have to revert to the prewar status. But whereas the congressional objective second in priority was "to reduce expenditure and promote economy to the fullest extent consistent with the efficient operation of the Government" and "to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues," in the executive order of urgencies financial economy *per se* was last on the list. As a manager, the President conceived of economy in terms of "improving the quality and expedition of administration, *producing economy in the form of a larger return per dollar expended.*" While Congress placed the "expectation" in the act that reorganizations should accomplish an over-all reduction of 25 per cent in the administrative costs of the agencies affected, President Truman was careful to announce in signing the bill that he considered this to be an impracticable, if not impossible, standard. In short, Congress was not disposed to accept the President's managerial maxim that "the best management is not necessarily the least expensive management."

Third in importance to Congress was that agencies and functions should be "grouped, coordinated, and consolidated, as nearly as may be, according to major purposes." The chief executive put this objective first, though in slightly different language. To him, the primary objective was to facilitate "the development and execution of consistent federal programs," which requires the "proper grouping of related activities and functions." More than this, the executive branch should be "capable of being managed effectively," which means a "reduction in the number of separate agencies responsible directly to the President" and "consolidation of the means of adequate supervision and coordination *now scattered* at a level below the President and Congress." This was probably the major gap between the two outlooks, because the idea of executive development of programs implies (1) the right to suggest new perspectives and criteria for public policy, and (2) the power to bring about a change in the emphasis and purpose of established agency activities. Obviously, it was highly important not to permit conflict to develop on this particular issue, which was in fact slurred over. For in the raw, here is the ancient conflict between executive prerogative and legislative consent, and no Congress would re-

linquish on such an issue its ability to interpose conditions and limitations on executive initiative.¹⁰

Congress wished "to eliminate overlapping and duplication of effort." The President felt that operations of the federal government should have a "proper and consistent impact upon each individual affected by federal activities." On this point there seemed to be mutual agreement, even in the failure to specify the terms of reference.

The practical and crucial issue between Congress and the chief executive concerned the procedure by which he was to exercise his initiative in deciding upon and timing particular reorganizations. With the exception of war and depression emergencies, this was the rock upon which executive efforts to secure an independent reorganization power had foundered, until in 1939 the device of the congressional veto by concurrent resolution was hit upon by Representatives Cochran and Warren.¹¹ The 1939 solution, followed by Title II of the act of 1945, established a constitutional precedent for the respective rôles of Congress and the President in the determination of reorganization measures. The compromise was to combine the hitherto exclusive procedures of ordinary legislation and executive order.

The President drafts and submits in legal form the provisions of an order—the reorganization plan—which, upon becoming effective, indicates the steps to be carried out. Congress imposes a statutory limitation on itself by a special provision for discharge of committees and *clôture* on debate, requiring that a rejection of a reorganization plan must be made within a time limit of sixty days after submission, and prescribes as a condition of vetoing the plan *as a whole* a majority vote of disapproval in both houses. Of eight reorganization plans submitted since 1939, only one has mobilized a majority against it. The restriction of the President's reorganization authority to a period of less than three years in both acts

¹⁰ Not in connection with the issue of flexibility in policy formulation, but in relation to the ability of administrative agencies to adopt the most efficient methods of job performance, the general indifference of Congress to *mere* efficiency comes to the fore. Thus to the congressional mind during the 1937-38 debates over the status of the General Accounting Office, nothing was more irrelevant than the argument that the Comptroller-General was interfering with the administrative responsibilities of the executive agencies. The initial reaction of a congressman is that the agencies ought not to be doing anything they aren't supposed to do—with the burden of proof against the agency.

¹¹ See Louis Brownlow, "Reconversion of the Federal Administrative Machinery from War to Peace," *Public Administration Review*, Vol. 4 (1944), p. 322; John D. Millett and Lindsay Rogers, "The Legislative Veto and the Reorganization Act of 1939," *Public Administration Review*, Vol. 1 (1941), pp. 176 ff. The exceptions were the Overman Act of 1918, the amendment to the Economy Act of 1932, passed the day before President Roosevelt took office in 1933, and Title I of the First War Powers Act of 1941.

demonstrates that Congress has no intention of abdicating its prime power. Congress still denies the President continuing managerial authority to revise the structure of the executive branch, but a method has been developed whereby controversial questions can be forced up for consideration and jointly disposed of.

IV

It has long been recognized that political limitations upon executive reorganization cannot be explained solely in terms of the constitutional dichotomy between Congress and the President, or the political tendencies of each to assert an independent line of authority from a sense of responsibility to the people. The alignment of political forces on any given reorganization issue rarely presents a clean-cut conflict in principle between the chief executive and Congress.¹² The more general pattern is apt to show the President, perhaps with some appointive department heads, and some political supporters in Congress lined up against a legislative committee or subcommittee, one or more of the bureaus or agencies affected by the change, and the economic, professional, or regional interests which have identified themselves with the existing scheme of things.

To protect their particular concerns, the interest groups and "their" agency prefer the encrustation of congenial policies in statutory provisions, and then to hold fast to the time-honored guarantees of legislative procedure which place every premium upon successful opposition to controversial changes. Even if reorganization proposals do not involve the substance of policy, clientele groups are extremely sensitive to the implications of changes in policy-determining personnel. To these groups and to the relatively autonomous operating bureaus, a general reorganization power vested in the President represents continuous insecurity from "inside manipulation." In the personal sympathies and fortunes of congressmen whose influence is in large part dependent upon committee membership or chairmanship, interest groups find a natural ally.¹³ The President's

¹² The clearest examples of such issues of principle may be found in Sec. 5 of the Reorganization Act of 1945, which provides general limitations on the President's reorganization power and imposes specific exceptions. Even there, the explanation is not always "pure" congressional interest. The power to create a new department is undoubtedly a constitutional prerogative of Congress. While Congress has always regarded the General Accounting Office as an agency responsible to it, it no longer seems so certain that the independent regulatory agencies are exclusively agencies of the legislature. Of the 26 such agencies identified by the Joint [Byrd] Committee on Reduction of Non-Essential Federal Expenditures (as of November 1, 1944), the act of 1945 exempted only six from the President's reorganization power.

¹³ The most cogent defense of what Professor Corwin has called this "pluralistic" scheme of responsibility over executive reorganization, on twin grounds of congressional supremacy and defense of liberty against arbitrary or capricious executive action, is contained in Lewis Meriam and Laurence F. Schmeckebier, *Reorganization of the National Government* (Washington, 1939). See also Senate Rep. No. 1275, 75th Cong., 1st Sess. (1937), especially chs. I-II.

difficulty in securing from legislative committees approval of organization proposals reflects his inability to get such problems handled as a matter of party responsibility.¹⁴

The alliance, in infinite variations, between group interests, whether economic, regional or professional, legislative committees or subcommittees, and operating bureaus or agencies preferring the administrative *status quo*, constitutes the most effective political stumbling block to executive reorganization. The defensive relationships do not evaporate after the President has obtained a legislative mandate to get on with the job. His staff and policy advisers making the technical investigations and final recommendations, therefore, have to analyze very carefully the impact of a proposed reorganization upon interest groups outside the government, and to consider ways in which these groups can be convinced that it is to their best interest not to take a strong position in an internal fight involving the personal interests of agency heads. If the advisers cannot bring about the "neutralization" of the outside groups, they must consider ways of formulating and timing their actions so as to offset the ability of the outside groups to nullify any decision or to undertake effective counter-measure of retribution.¹⁵

The political strategy of executive reorganization, then, is, first, to get into a position which makes it difficult for an individual or a minority in

¹⁴ In view of these relationships, it is significant that the agencies exempted from the President's reorganization power in the Reorganization Act of 1945 are so few. Only seven are practically excepted, and any proposals affecting four others are required to be submitted as separate plans. House Rep. No. 1378, 79th Cong., 1st Sess. (December 12, 1945).

The act establishes three categories:

(1) Agencies which Congress refuses to consider appropriate for any reorganization: Civil Functions of the United States Army Corps of Engineers.

(2) Agencies for which Congress refuses to consider reorganization plans except transfers to them of other functions: Interstate Commerce Commission; Federal Trade Commission; Securities and Exchange Commission; National Mediation Board; National Railroad Adjustment Board; Railroad Retirement Board.

(3) Agencies for which Congress desires *separate* consideration in any plan: Federal Communications Commission; Federal Deposit Insurance Corporation; United States Tariff Commission; Veterans Administration.

In the last group, it would be interesting to know what considerations led the conference committee to substitute the FDIC for the Civil Service Commission in the final stages of the bill.

¹⁵ President Truman's veto of the \$52 billion Rescission Bill in 1945 was a reorganization action in reverse. The Dirksen amendment to the bill had provided for a rescission of all funds to the War Manpower Commission for Employment Service field offices and facilities, and reappropriated \$30,000,000 for disbursement to the states for the same purposes by the Social Security Board. In this case, the executive veto thwarted an attempt of the governors of several states and the Association of State Unemployment Compensation Commissioners to use congressional appropriation procedure to effect a reorganization which had important implications for national reconversion policies.

the legislature to block a particular proposal at the behest of a government bureau or outside group; second, if possible, to drive a wedge between the agency involved and its clientele; third, if the reorganization plan must inevitably become a political fight, to secure the advantage of the initiative in defining the issue in terms of the administrative answer to the problem of achieving the greatest benefit for the country as a whole. Once it grows clear that the chief executive is acting in the spirit of the American tradition to overcome the political limitations of group influences and congressional favoritism in the management of the public service, lawmakers and interest groups alike may prefer to stay out of fights over administrative issues.

V

Objectors to the President's authority over structure will argue that there is no such thing as pure "reorganization"; that reorganization is not just a matter of top personnel and establishing lines of control; that it is inseparable from influencing in large measure the *what*, as well as the *who*, of policy. This view is well taken as to the possible *effects* of reorganization, but not its definition or technique. Clearly it is possible to shift lines of administrative responsibility and to create or abolish offices without altering substantive policy. But the argument goes beyond the desirability of enabling the chief executive to insure concert, either at the technical level of promoting efficiency and economy, or at the policy level of establishing internal harmony within the administrative structure. It raises the question of the relation of his reorganization power to his rôle of formulating and initiating broad programs of public policy.

The members of President Roosevelt's Committee on Administrative Management faced this point squarely. They explicitly included over-all planning as a proper function of a strong democratic head of administration, along with the tools of financial and personnel management.¹⁶ The demise of the National Resources Planning Board in 1943, through congressional decision to cut off its appropriations, was not due so much to the legislature's dislike of planning as to its desire to control the planning process through its own committees.¹⁷ However, Congress apparently did not relish the implications of reverting to a scheme of considering broad policy through specific pieces of proposed legislation, and through the channel of special groups such as the Senate (George) and House (Colmer) committees with a staff to do their own research. As early as 1944, Congress took the unprecedented step of giving statutory status to a planning and

¹⁶ See Senate Doc. No. 8, part 4, 75th Cong., 1st Sess., Joint Committee on Government Organization, *Hearings on Reorganization of the Executive Departments* (1937), pp. 4, 40-41, 131-137; Senate Select Committee on Executive Reorganization, *Hearings on S. 8700* (1938).

¹⁷ Cf. Charles E. Merriam, "The National Resources Planning Board; A Chapter in American Planning Experience," in this REVIEW, Vol. 38 (1944), pp. 1084-1085.

policy-making agency created by executive order; the Office of War Mobilization and Reconversion.¹⁸

This law explicitly recognized the interrelated character of "planning" and "reorganization" functions by giving the director of the office sweeping powers, not only to formulate such plans "as are necessary to meet the problems arising out of the transition from war to peace," but also "to issue such orders and regulations to executive agencies as may be necessary to provide for the exercise of their powers in a manner consistent with such (sic) plans." Even though the act was a wartime measure, it illustrates that Congress is willing to provide for sub-presidential authority on the broadest scale if it is convinced of the importance of the problem and has confidence in the officials occupying the office, like former Congressmen Byrnes and Vinson.

Yet, after little more than a year of peace, Congress seems to be reverting to its preference for the particularistic viewpoints of its committees. One desirable consequence of the hapless attempts of these committees to resolve conflict and disagreement—between executive agencies, between the agencies and the President, between outside interests, and between the President and Congress—is that public attention is focused upon the inadequacies of the committee organization for the responsibilities so fervently sought.

Two striking illustrations of pluralistic congressional planning have occurred in the past two years. The first arose in connection with two related projects of the Army Corps of Engineers, one involving a series of dams and levees in the Flood Control Bill of 1944, and the other concerned with a nine-foot channel for the Missouri River below Sioux City, Iowa, in the Rivers and Harbors Bill of the same year.¹⁹ The latter project aroused the ire of the upper Missouri Valley senators, who thought the plan would infringe their constituents' water rights by limiting the water available for irrigation projects planned by the Interior Department's Bureau of Reclamation.²⁰ The issue came to a focus in a subcommittee of the Senate Commerce Committee, in which Senator Overton, acting on behalf of the navigation and flood-control aspects of river development, assumed the rôle of coordinator of the water, land, and electric-power interests. He was unable to bring about agreement, either between the two groups of government technicians or between the up-river and down-river

¹⁸ Public Law No. 458, 78th Cong., 2nd Sess. Cf. Brownlow, *loc. cit.* above note 11, pp. 312-316.

¹⁹ The flood-control project was provided for in House Doc. No. 475, 78th Cong., 2d Sess., and H.R. 4485. The nine-foot channel for navigation was provided for in a separate bill, H. R. 3961. *Hearings before a Subcommittee of the Senate Committee on Commerce*, part 6 (May 10-18, 1945).

²⁰ Senate Doc. No. 191, 78th Cong., 2d Sess. For the grass-roots background of this fight, see Joseph K. Howard, "The Golden River," *Harper's*, Vol. 190 (May, 1945), pp. 511 ff.

senators, until after Senator Murray introduced a bill providing for a Missouri Valley Authority responsible for planning all aspects of river development as a whole.

Within three months thereafter, the Corps of Engineers and the Bureau of Reclamation had worked out a compromise,²¹ based upon the policy that irrigation was to have priority over navigation. Both agencies agreed to go ahead on their own projects, and were each authorized to expend \$200,000,000 in the initial stages of construction—navigation and flood control down-river to the Engineers; irrigation up-river and electric power to the Reclamation Bureau and the Secretary of the Interior.²² From this point on, all the main parties—Senator Overton and the Western senators who composed the majority of the subcommittee, the Interior Department, and the Corps of Engineers—used the agreement and its legislative sanction as a *fait accompli*, insisting that here was a river-development program for irrigation, flood control, navigation, and electric power that rendered unnecessary and inappropriate the creation of a single valley authority sponsored by the President.²³

The second recent example of congressional attempts at coordination came forth in connection with the proposed consolidation or unification of the armed services. The bills presenting the issue were reorganization measures providing for integration under a Secretary and at the top levels of strategy and procurement planning. Perhaps the executive tactics of raising the issue as a purely organizational matter were too simple, because the pressure for unification was unsupported by a collateral congressional motivation to get substantive legislation passed, such as is present in river and harbor measures or appropriation bills. Moreover, reorganization standing by itself seemed to lack focus when the existing system of primary presidential responsibility, coupled with combined planning of the Joint Chiefs of Staff, had just finished helping to win the war.

The congressional subcommittee was unable to produce a general framework of national-security objectives within which the two services could

²¹ Senate Doc. No. 247, 78th Cong., 2d Sess.; *Hearings before a Subcommittee of the Committee on Commerce on S. 555*, 79th Cong., 1st Sess., pp. 149-158, 323-337 (April 18-20, 1945).

²² Flood Control Act of 1944, Public Law No. 534 (Dec. 22, 1944); River and Harbors Act of 1945, Public Law No. 14 (Mar. 2, 1945). There is no better case study in the workings of American government than the legislative proceeding with respect to these bills: H.R. 3961 and H.R. 4485, 78th Cong., 2d Sess., and S. 555, 79th Cong., 1st Sess.

²³ *Hearings before a Subcommittee of the Senate Committee on Irrigation and Reclamation on S. 555*, 79th Cong., 1st Sess., pp. 4-9, 338-444 (Sept. 18-28, 1945). The President had approved the agency agreement on November 27, 1944, but had recommended that the projects provided in it be developed and administered by a Missouri Valley Authority (House Doc. No. 784, 78th Cong., 2d Sess.).

combine their planning of logistics, personnel, and facility requirements. General propositions, such as prospective economies and greater efficiency arising from consolidation and the desirability of over-all planning on the basis of a single presentation for the nation's budget of its military-security program, failed to break down the position of the Navy Department. The Navy contended that the present scheme of joint or dual military planning is able to protect the vital military interests of the United States and to preserve the proper balance of civilian-military relationships.²⁴ Finally, no one was so placed as to coördinate the overlapping committees having jurisdiction in the matter.

From these examples emerge two answers to those who object to giving the President power to initiate structural proposals on the ground that reorganization is inseparably tied up with policy. The congressional approach is such as to reflect and perpetuate group conflicts and agency rivalries. Congress itself possesses no inherent inclination or competence to resolve controversial issues of administration. The result is that policy questions that ought to be raised are suppressed too long, and then too frequently are brought up in connection with legislation to which they are irrelevant. The first justification of the chief executive's reorganization power consists in his need for a tool by which he can refer questions of organizational policy to Congress, with discretion as to timing and with assurance of their consideration.

The second answer is that if a reorganization proposal does raise a controversial issue of public policy, the President should be in a position to supplement his structural rearrangements with the necessary criteria of policy or program, on the basis of which inter-agency disagreements and lack of coördination can be overcome. Program planning logically precedes administrative planning. Congress should always retain and exercise the function of declaring the criteria of public policy. If the process of executive integration fails to produce a convincing conspectus and crystallization in program, Congress does not lack power to consider the matter through its regular procedures. If executive reorganization is understood as a way of improving our collective—inter-agency—methods of looking at problems of policy, and Congress retains full powers of investigation and publicity, the possibility to be guarded against would be executive inability to produce a satisfactory program, rather than subversive motives of concealment and misrepresentation of purpose and fact on the part of the President.

²⁴ Cf. *Hearings before the Select Committee on Postwar Military Policy pursuant to H. Res. 465, 78th Cong., 2nd Sess. (1944)*; *Hearings before the Senate Committee on Military Affairs on S. 84 and S. 1482, 79th Cong., 1st Sess. (1945)*, esp. pp. 241-268, 515-536.

VI

In conclusion, it should be pointed out that the reaction against planning through executive correlation of inter-agency research policy presents one feature disturbing to those who recognize the integrating, integrating, and adjusting rôle of government. That is the control over crucial stages of the planning process in the hands of lawmakers and legislative committees who identify their planning with the beliefs of private groups outside the government.²⁵ The significance in the refusal of appropriations subcommittees to authorize expenditures for research and planning based upon a forward approach to problems of broader scope, which admittedly look to the Executive Office for coordination.

The fate of President Roosevelt's program for basic economic research and the unrelenting pressure of House and Senate appropriations committees on such staff units as the Bureau of Agricultural Economics are to the point. Such tendencies seem to be largely explainable on the assumption that legislators who assert the primary, if not exclusive responsibilities of Congress in policy-planning, deprecate systematic research and coordination, deliberately preferring the self-demands of influential pressure groups. This reverses the desired position of the public agencies in relation to private interests.

There is enlightenment and warning in a few sentences written by Woodrow Wilson some forty years ago:²⁶ "Contrasts between regions become every year less obvious, conflicts of interest less a disturbing. Party organization is no longer needed for the mere statutory task of holding the machinery together or giving it the support of some common object, some single cooperative motive . . . Are we to make our legislatures and our executives our real bodies politic of our parties? If we are, we must think less of checks and balances, more of coordinated power, less of separation of functions and more of synthesis of action." These words were written when our political parties seemed safely preëminent in national policy-making. The decline of parties from that position of influence seems to have had the effect of projecting executive correlation of administrative planning into controversy with special interests, working with strategically placed legislators and committees. For a while, Franklin D. Roosevelt sought to achieve an integration by mobilizing private groups in support of objectives embodied in the series of programs called the New Deal. He presented these groups focus again upon the potentialities of government aid of group privilege.

²⁵ Cf. Charles M. Hardin, "The Bureau of Agricultural Economics and the Journal of Farm Economics," Vol. 28 (1946), pp. 635 ff.

²⁶ *Constitutional Government in the United States* (New York, 1908), pp.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At Princeton University, Professor William S. Carpenter resigned the chairmanship of the department of politics last spring and has been succeeded by Professor George A. Graham. Professor Carpenter is president of the New Jersey civil service commission and during the current year is teaching only half-time.

Professors Harwood L. Childs, George A. Graham, and Harold H. Sprout, of Princeton University, have been advanced to full professorships. Since the retirement of Professor Edward S. Corwin, the department's work in constitutional law has been in charge of Professor Alpheus T. Mason, with the assistance of Professor John A. Schroth.

Lt. Col. Benjamin E. Lippincott, of the University of Minnesota, was recently awarded the Legion of Merit for distinguished work as historian of the Thirteenth Air Force in the Southwest Pacific. He was in the area of combat for nearly two years.

Mr. Paul H. Appleby has resigned as assistant director of the U. S. Bureau of the Budget to accept the deanship of the Maxwell School of Citizenship and Public Affairs at Syracuse University. Dean Appleby will serve also as a professor of political science.

Drs. John Russell and Philip Taylor have returned to their academic work in the political science department of Syracuse University. Dr. Russell has been with the U. S. Bureau of the Budget, and Dr. Taylor ended his military service as a Lieutenant Colonel on the staff of General MacArthur.

Professor John A. Perkins, secretary of the Institute of Public Administration at the University of Michigan, has been appointed budget director of the state of Michigan. He assumed his new duties on November 27.

Professor J. A. C. Grant, of the University of California at Los Angeles, spent the spring semester and summer of 1946 in Colombia completing a research project on Colombian judicial review, begun under a Guggenheim fellowship in 1942 but interrupted by war service. On the return trip, he gave an open lecture at the law school of the National University of Mexico entitled "Estudio comparativo de los sistemas de control de la legalidad en los Estados Unidos, Colombia, y Mexico."

Professor Roger H. Wells, on leave from Bryn Mawr College, has been

appointed consultant to the director of the Civil Administration Division, Office of Military Government for Germany, in Berlin.

Professor J. William Robinson, on leave from Purdue University, is at the Social Science Foundation of the University of Denver, completing a research project in the field of international relations.

During recent months, Dr. Walter H. C. Laves, of the U. S. Bureau of the Budget, has served as adviser to various United States delegations, including those to the ILO Governing Body and Conference, the General Assembly of UN, and the UNESCO conference in Paris. Not long ago, he likewise was appointed United States representative on a five-government committee of experts on ILO matters affecting staff emoluments, etc., and on January 20 he was sworn in as deputy director-general of UNESCO.

At the University of California (Berkeley), Professor P. Orman Ray reached emeritus status last July 1, and Dr. Charles Aikin has been advanced to the rank of professor.

Professor Dayton Voorhees, of the department of politics at Princeton University, has been reelected to membership in the Princeton borough council.

Dr. Joseph Dunner has returned from two years of overseas service with the Office of War Information and the Psychological Warfare Division of the U. S. Army. Prior to going abroad, Dr. Dunner was instructor in area studies at the School for Overseas Administration at Harvard University. From May, 1944, to April, 1945, he was chief of the Intelligence Section of the London OWI. From April, 1945, to March, 1946, he headed the press control section for Munich and Upper Bavaria attached to the Information Control Division and the Third U. S. Army. Dr. Dunner spent last summer in Palestine, Egypt, and the Lebanon, and upon his return to the United States, resumed his teaching at Grinnell College.

Mr. Robert Lacour-Gayet, former director of the Economic Department of the Bank of France and chief of the Inspection General of Finances of the French Ministry of Finances, is teaching history and social science at St. John's University, Brooklyn, N. Y., during the current academic year. He is also conducting a course on contemporary French civilization at the School of Education of New York University.

At the sixth annual conference of the Western Governmental Research Association in Sacramento, Calif., Professors Harris, May, and Waldo of the department of political science, University of California, were in attendance, as well as members of the Bureau of Public Administration staff. Mr. Russell Barthell, associate public administration analyst with the Bureau, was elected executive secretary of the Association.

Dr. David G. Farrelly, formerly in the G-1 Section of the General Headquarters of the Supreme Commander of the Allied Powers in Tokyo, has been appointed part-time instructor in politics at Princeton University.

Professor Marshall E. Dimock, of Northwestern University, is advising the General Accounting Office on government corporations, and is assisting in the preparation of a report to Congress dealing with the policies and principles relating to the corporate device.

Dr. John W. Lederle, of the University of Michigan, has been serving as consultant to the Senate's special committee to investigate senatorial campaign expenditures in the 1946 elections.

Professor J. Q. Dealey, Jr., has resigned at Hamilton College in order to take a position with the Historical Division, War Department Special Staff.

Miss Sonya Forthal, a hearing officer for the War Labor Board, VI, during the war years, is now teaching at Roosevelt College, Chicago.

Professor Hans W. Weigert, of Antioch College, has accepted an appointment as legal adviser to Military Government in Berlin.

Dr. Vernon A. O'Rourke has resigned at Swarthmore College to accept a post with the Standard Oil Company of New Jersey, where he will work in the field of labor relations.

Dr. Leslie Lipson, formerly chairman of the department of political science at Victoria University College, University of New Zealand, has accepted an associate professorship at Swarthmore College.

During January, Professor Lin Tung-chi, of the National Fudan University, and at present visiting professor on invitation of the Department of State, delivered a series of four lectures at the University of Michigan.

Professor James K. Pollock, of the University of Michigan, is spending the months of February and March in Germany as an adviser to General Clay.

During February and part of March, Professor Carl B. Swisher, of Johns Hopkins University, delivered at University College, a unit of the University of London, a series of lectures on the Supreme Court of the United States. The lectures were sponsored in connection with a grant for a professorship in American history at University College made some years ago by the Commonwealth Fund of New York.

Dr. J. Donald Kingsley, formerly of Antioch College, has been appointed by President Truman to the newly-created White House post of

program coördinator. In his new position, he will assist in the development and coördination of policies and programs affecting two or more government agencies, and will serve as White House liaison with the President's Commission on Higher Education and as executive secretary of the President's Scientific Research Board.

In January, Professor Rodney L. Mott, of Colgate University, was awarded the Army Commendation Ribbon for "exceptionally meritorious conduct in the performance of outstanding services with the Office for Military Government for Germany." In November, 1945, Dr. Mott also received the Legion of Merit.

Dr. Henry Reining, who since 1934 has served successively as educational director of the National Institute of Public Affairs, on a government mission to Rio de Janeiro, on the staff of the National Resources Planning Board, and as executive director of the Port of New York Authority, has re-joined the faculty of the University of Southern California.

Dr. Vincent J. Browne has been appointed assistant professor of political science at Howard University.

Dr. Reuel G. Hemdahl, recently of South Dakota State College of Agriculture and Mechanic Arts, has accepted an assistant professorship at the University of Louisville.

Mr. Delavan Evans, assistant professor at the University of Texas, has accepted an appointment at Williams College.

Mr. O. W. Campbell, former member of the staff of the Bureau of Public Administration, University of California, and until recently with the Local Government Division, A.U.S., has been appointed city manager of San José, California.

Mr. A. M. Hillhouse, associate professor of public finance, returned to the University of Cincinnati in September after a four-year leave of absence. Professor Hillhouse was an agency budget officer in Washington in 1942-43, and later served in England, France, and Austria with Military Government agencies as a public finance specialist.

After serving three and one-half years as a Lieutenant in the Photographic Service, Mr. John S. Harris was ordered to inactive duty by the U. S. Navy in the summer of 1946 and is now an instructor at the University of Cincinnati.

Professors H. Malcolm Macdonald and Edward G. Lewis have resumed their duties at the University of Texas after extended service in the armed forces. New instructors at Texas this year include Messrs. Victor Thomp-

son, Hobart P. K. Sturm, James A. Norton, A. Z. Gammage, James Collins, Commer Clay, and R. K. Huitt.

Dr. Willard F. Barber, who since 1938 has been in the Latin American or Economic Division of the Department of State; has been designated chief of the Division of Caribbean Affairs. Prior to entering the Department in 1938, Mr. Barber was a member of the staff of the College of the City of New York.

In order to provide efficient service to teachers of international relations, the Office of Public Affairs of the Department of State has arranged with a number of libraries throughout the country to coöperate in displaying copies of the publications of the State Department which are available in limited quantities without charge. Copies of such publications will be distributed by the libraries in the appropriate area distribution center.

During the second part of the first session of the United Nations General Assembly held in New York, Francis O. Wilcox, head international relations analyst of the Library of Congress, served as special adviser to Senator Connolly, who represented the United States Delegation on the Political and Security Committee. Mr. Wilcox served also in the same capacity during the London meetings of the General Assembly in January and February, 1946.

At the biennial convention of Pi Sigma Alpha, honorary political science fraternity, held in Cleveland, December 29, 1946, the following officers were elected: John W. Manning (American University), president; H. Malcolm Macdonald (University of Texas), Frank H. Jonas (Utah State Agricultural College), and John E. Stoner (Indiana University), vice presidents; and Franklin L. Burdette (University of Maryland), secretary-treasurer.

The initial issue of a new quarterly, the *Middle East Journal*, appeared in January under the editorship of Harvey P. Hall, of the Middle East Institute, Washington, D. C. The subscription rate is six dollars a year, and subscriptions may be sent to the editor at 1906 Florida Avenue, N.W., Washington.

At the University of Virginia, Professor R. K. Gooch is serving as acting chairman of the new Woodrow Wilson School of Foreign Affairs and Professors Alfred P. Fernbach and Charles A. Micaud have been transferred to the unit from the School of Political Science. It is anticipated that a permanent head will be selected during the year.

Dr. Charles S. Hyneman has been appointed to a professorship at Northwestern University, where he will be responsible for developing the

work of the political science department in public administration and local government. Since 1942, Dr. Hyneman has been employed with the federal government, first in the Bureau of the Budget, then as chief of the Civil Affairs Training Program of the War Department, and finally with the Federal Communications Commission. In FCC, he served first as director of the Foreign Broadcast Intelligence Service, and upon the termination of that wartime activity, he became assistant to the chairman of FCC, with special responsibility for directing the internal management activities of the agency.

Messrs. Geddes Rutherford, formerly of Howard University, and Joseph Kitchen, formerly of the University of Maryland, are now assistant professors at Queens College, and Professor Henry P. Jordan, of New York University, is serving as lecturer on the government and politics of Latin America.

Mr. John D. Holstrom, chief of police, Berkeley, California, and lecturer in political science (police administration) at the University of California, attended the convention of the International Association of Chiefs of Police at Mexico City in September, 1946.

Mr. Benjamin Kizer, former director of UNRRA in China, is lecturing at the University of Washington under the auspices of the political science department.

Professor Charles E. Martin, of the University of Washington, presented papers at both the Institute of World Affairs meeting at Riverside and the I.P.R. meeting in Asilomar during the Christmas recess.

Dr. Paul T. David has resigned his position as assistant chief, Fiscal Division, U. S. Bureau of the Budget, to enter the Department of State, having been appointed by the President to serve as United States representative on the Air Transport Committee of the Provisional International Civil Aviation Organization (PICAO) at Montreal. The Committee is continuing work on the development of a multilateral agreement on commercial air rights. Prior to leaving the Budget Bureau, Dr. David served as a member of the United States delegations at the First Assembly of PICAO, Montreal, in May, 1946, and the Second Conference of the Food and Agriculture Organization (FAO), Copenhagen, in September, 1946, in each case representing the delegation on a finance committee approving the budget of the respective international organizations. He also served as financial adviser to the United States delegation to the Ocean Weather Stations Conference at London in September, 1946.

The Department of State has announced that, under legislative authorization provided in 1946, some 120 officer appointments may be made

before July, 1947, to the middle and upper grades of the Foreign Service. Applications are being currently received and, if approved, qualify the candidate to appear for a competitive oral examination. Candidates must be at least thirty-one years of age, have been an American citizen for at least fifteen years, hold a bachelor's degree or its equivalent, be able to read with facility one of eight selected foreign languages, have served in a military or governmental capacity during the war, and have had previous experience of a high order and of some duration either in business, government, or academic, research, or editorial work. Application forms may be obtained from the Board of Examiners of the Foreign Service, Department of State, Washington, D. C.

Members of the department of political science at the University of Minnesota are playing important parts in the establishment of a new introductory social science course which is a feature of the program of general education of the College of Science, Literature, and the Arts. Professor Evron M. Kirkpatrick is chairman of the Social Science Division and also of the group planning the social science course; Dr. Willmoore Kendall has been appointed to have permanent charge of the social science course, and has been largely responsible for organizing it; Dr. Herbert McClosky is acting chairman of the course during Dr. Kendall's absence this year, and Drs. Werner Levi, Max Kampelman and George Demetriou are handling sections in the course. Dr. Russell M. Cooper, associate professor of political science, and assistant dean of the Junior College, is in charge of the development of general studies in the College of Science, Literature and the Arts.

Dr. William J. Ryland, professor of history and political science at Beaver College, Jenkinton, Pennsylvania, died on November 16.

A sixth annual student conference on international affairs, participated in by Macalester College of St. Paul and United College of Winnipeg, was held at St. Paul last November, and dealt with national ideologies and the prospects for world order. The conference is held at the two institutions in alternate years, and something like it is being considered by United States-Canadian border institutions farther west.

The Bureau of the Census has issued a publication entitled *Votes Cast in Presidential and Congressional Elections, 1928-1944*. State totals by major political party, and relative party percentages, are presented; and for presidential electors and senators, the vote cast in the two most recent elections recorded is broken down by counties and the vote for representatives is presented by congressional districts. Copies may be obtained from the Governments Division, Bureau of the Census, Department of Commerce.

On November 29 and 30, the Southern Institute of Local Government met in Nashville, Tennessee, for its sixth annual session. Principal speakers were Dr. M. H. Satterfield, Tennessee Valley Authority; Dean Bradshaw of the University of Missouri; Dean William H. Wick University of Tennessee; Mr. Charlton F. Chute of the Government Research Institute of St. Louis; and Mr. Morton L. Wallerste League of Virginia Municipalities. The program dealt with constant revision as it affects local government.

Professor James K. Pollock, of the University of Michigan, was presented with the Medal for Merit, the highest civilian decoration for his work in Germany in the past year. President Truman's citation follows: "Dr. James Kerr Pollock, for exceptionally meritorious service in the performance of outstanding services to the United States in connection with the Military Government of Germany from October 1945 to August 6, 1946. Dr. Pollock, as director of the Regional Government Coördinating Office, coördinated and instructed the minister president of the three German states in the United States zone of Germany; as the Laenderrat, or Council of States, in unifying the administration of the United States zone, assisting in the delegation of responsibilities to German agencies, and supervising the preparation, plans, and recommendations of German government to the United States Military Government. He acted as senior representative of the Deputy Military Government, guiding the German minister presidents in preparation of such important and delicate matters as the Law of Political Liberties. Dr. Pollock's energy, foresight, breadth of vision, diplomacy, and insight into the German problem contributed greatly to the successful administration of Military Government in the United States zone of Germany."

The regular annual meeting of the American Council of Learned Societies was held at the Westchester Country Club, Rye, New York, January 29-31. Sessions were presided over by Professors Fred N. P. (Harvard University), chairman, and Frederic A. Ogg (University of Wisconsin), vice-chairman; and a concurrent conference of secretaries of the twenty-four constituent societies was participated in by Dr. Kenneth Colegrove, of the American Political Science Association. During the ensuing year, the chairman will be Dean William C. Sullivan (Yale University), and Mr. Ogg will continue as a member of the Executive Committee. After a study of personnel covering several months, a committee consisting of Messrs. DeVane, Robinson, Richard H. (present acting director), William E. Lingelbach and Glenn R. (both University of Pennsylvania), and Mr. Ogg (chairman) has been named as executive director, in succession to Dr. Waldo G. Leland, and Dr. Cornelius Krusé, of the department of philosophy at Wesleyan

sity and executive secretary of the American Friends Service Committee. Professor Krusé is expected to assume charge of the Council's Washington offices in September.

The Société d'Histoire de la Révolution Française, founded in New York by its president, Professor B. Mirkine-Guetzévitch, dean of the faculty of Law and Political Science of the École Libre des Hautes Études and director of the Institute of Studies of Comparative Government and Education, Teachers College, Columbia University, consists of several hundred American and French scholars in the fields of history and political science. Its secretary-general is Jean-Albert Bédé, of Columbia University, and the members of its board of directors are: Professor Leo Gershoy, New York University; Professor Louis Gottschalk, University of Chicago; Dean William F. Russell, Teachers College, Columbia University; and M. Georges Wildenstein, editor of the *Gazette des Beaux Arts*. Under auspices of this organization, the first volume of a new publication, *Cahiers d'Histoire de la Révolution Française*, has recently appeared, edited by Professor Mirkine-Guetzévitch and the French historian, Philippe Sagnac.

A second biennial conference designed to give newly elected county officers the practical details of operating their offices was held on the Michigan State College campus on December 19-21. The sponsoring agencies were the Michigan Institute of Local Government, the Institute of Short Courses, the Michigan State Police, and the department of public administration of Michigan State College. In attendance were the newly elected sheriffs, clerks, treasurers, registers of deeds, prosecuting attorneys, and drain commissioners. The practical instruction was given by members of the state police and federal agencies, and by men and women who have had extensive experience in their respective offices.

Dr. Thomas H. Reed and Doris D. Reed, of Wethersfield, Connecticut, have resigned from the Connecticut Public Expenditure Council to devote themselves exclusively to their municipal consultant practice throughout the country. They are now employed by the charter commission of Richmond, Virginia, to draft a new charter for that city. They are likewise formulating a plan of consolidation for the city of Baton Rouge, Louisiana, and East Baton Rouge Parish, and will frame a charter for that community. They have recently prepared a sheaf of legislation for the Richmond county, Georgia, legislative delegation, including a city-manager charter for Augusta, which has been introduced in the current Georgia legislature, and are working on a study of Richmond county for its board of county commissioners. Their study of possible consolidation in the Tarrytown-North Tarrytown-Irvington-Pocantico Hills area of

Westchester county, New York, made for Mr. John D. Rockefeller, Jr., was published late in December. Dr. Reed is the author of the Hartford manager-plan charter adopted by a two-to-one vote there on December 3, 1946.

The Russian Institute of Columbia University began its first session in September, 1946. Directed by Professor Geroid T. Robinson, its staff includes Professors Philip E. Moseley, Abram Bergson, Ernest J. Simmons, and John N. Hazard. All the work of the Institute is on a graduate level. Courses are offered in the government, public administration, jurisprudence, literature, history, social philosophy, economics, and international relations of Russia and the Soviet Union. Intensive courses in the Russian language are offered by the department of Eastern European languages. Students are required to register for graduate study in a functional department of the University, as well as in the Institute, and to work for an advanced academic degree as well as the Institute's two-year certificate. Courses are designed to provide the student with a broad and well-integrated knowledge of Russia and the Soviet Union; command of a well-developed specialty in a selected academic discipline, as applied to that country; and a broad training in the more general aspects of this selected discipline. Thus, a student of Soviet political institutions is expected to qualify himself in political science no less well than the other students of the department of public law, as well as in basic courses in history, economics, international relations, and literature as they relate to the USSR. Students in Columbia University registered in other graduate schools and departments may register for individual courses in the Institute, to provide comparative materials for further study in their functional field. Registration in seminars is limited to those with a working knowledge of Russian, and preference is given registrants for the certificate of the Institute. Close association is maintained by the Institute with the School of International Affairs.

The University of Southern California reports the establishment of a Delinquency Control Institute to provide specialized training for law enforcement officers and practitioners in allied fields. Students attend full time for a semester and are on leave with pay from their regular positions. Supervised field work in juvenile bureaus is provided. While the Institute is placed in the School of Public Administration for administrative convenience, the program and concept are definitely inter-departmental, with representatives of the College of Letters, Arts, and Sciences, the School of Law, the School of Education, and the Graduate School of Social Work participating in plan and operation. The curriculum was developed on a conference basis, including academic, public, and private agency members meeting at intervals over a period of two years, with Dr. John M. Pfiffner

as chairman. Courses of study include Social Treatment Aspects of Delinquency Control, Special Police Techniques, Conditioning Factors in Juvenile Delinquency, Crime Prevention Techniques, Administrative Aspects of Delinquency Control, Techniques of Learning and Teaching, and Legal Aspects of Crime Prevention.

Political scientists will be interested to learn that the *Oesterreichische Zeitschrift fuer oeffentliches Recht* (formerly *Zeitschrift fuer oeffentliches Recht*) has made its reappearance. Editors are again A. Verdross, professor of international law and political theory, R. Koestler, professor of church law, and L. Adamovich, professor of administrative law and president of the Austrian Supreme Constitutional Court. All are connected with the University of Vienna. The first issue (Heft 1-2) contains obituaries of two famous academic figures who died during the Nazi occupation of Austria: Adolf Menzel, professor of political theory and public administration and Gustav Walker, professor of international private law and a former president of the International Law Association. Other contributions are articles on the foundation of international law by H. Kelsen, on postal law by R. Koestler, on the political theory of Sanders by E. Voegelin, on positive international law by R. Bluehdorn, on police and administration by L. Werner, on constitutional law in the United States by R. Neumann, on the character of the individual Soviet republics under international law by A. Verdross, and on income tax reforms by O. Jettmar. In view of the difficulties under which all publications labor in Austria, the journal will appear at irregular intervals; but presumably there will be several issues each year. It is published by the Springer-Verlag, Moelkerbastei 5, Vienna 1, Austria.

In connection with Princeton University's bicentennial program, Professor Harold H. Sprout served as chairman of the committee on a three-day conference, October 11-14, 1946, on "The Development of International Society." The conference was attended by a select group of fifty scholars from the United States and abroad. Harold W. Dodds, Isaiah Bowman, Richard P. McKeon, Harold J. Laski, Frank G. Boudreau, Sir John Boyd Orr, Eugene Staley, Theodore W. Schluttz, Charles W. Hendel, Hans Kohn, Florian Znaniecki, Philip C. Jessup, Tyler Dennett, Raymond Kennedy, Hamilton Fish Armstrong, Arnold Wolfers, Cornelius W. deKiewiet, Edward C. Carter, Allen W. Dulles, Owen Lattimore, Philip E. Mosely, Frederick S. Dunn, E. L. Woodward, Grayson L. Kirk, Raymond J. Sontag, Crane Brinton, Gerhart Niemeyer, Denna F. Fleming, and Quincy Wright were among the principal participants. Professor John F. Sly was chairman of a committee which arranged a conference on "The Evolution of Social Institutions," October 7-9, 1946.

Walton Hamilton, Peter F. Drucker, Edward S. Corwin, Rupert B. Vance, Philip M. Hauser, Charles E. Merriam, Denis W. Brogan, E. Franklin Frazier, Corwin D. Edwards, Robert A. Gordon, Sumner H. Slichter, William Leiserson, David A. McCabe, Morris A. Copeland, Frank H. Knight, Jacob Viner, William Y. Elliott, Luther Weigle, Louis Finkelstein, Amos N. Wilder, Howard F. Lowry, Emil Brunner, William E. Hocking, and Henry P. Van Dusen were discussion leaders. On November 13-14, 1946, under the chairmanship of James Forrestal, assisted by Dr. Joseph McLean of the Princeton Local Government Survey, the University sponsored a conference on "University Education and the Public Service." The principal speakers and discussion leaders were Patterson H. French, Arthur H. Flemming, Leonard D. White, Donald C. Stone, Robert A. Lovett, Ferdinand Eberstadt, H. Struve Hensel, Seldon Chapin, George F. Kennan, Frederick S. Dunn, Sir James Grigg, E. L. Woodward, Paul Appleby, John M. Gaus, Pendleton Herring, Harold W. Dodds, Arthur Krock, Robert M. LaFollette, Jr., and James Forrestal.

At the twenty-fifth annual meeting of the Council on Foreign Relations, an expanded program of research and publication in the field of international affairs was approved. This will include a comprehensive history of American foreign relations during the war period, which will be prepared by Professor William L. Langer and a staff of assistants. Dr. Langer, professor of history at Harvard University, has been given leave of absence for a period of four years to enable him to undertake this monumental work. The meeting also approved the reinstitution of the annual survey of American foreign relations which was published from 1931 to 1941 under the title "The United States in World Affairs," but which had to be suspended during the war years; and confirmed the appointment of Dr. John C. Campbell as editor of the forthcoming annual volumes. Dr. Campbell has served in the Department of State as an expert in the Division of Southern European Affairs, and was recently secretary to the American delegation at the Council of Foreign Ministers and the Paris Conference. As a part of the expanded program of work, the Board also appointed Mr. Joseph Barber, Jr., to have charge of the development of foreign relations committees which the Council maintains in more than twenty cities throughout the country to study the foreign policy of the United States. Mr. Barber is the author of *Hawaii, Restless Rampart*, and during the war served on the staff of Admiral King in the Pacific theater. The Board also appointed Mr. William Diebold, Jr., to be economist of the Council from January 1 and to work under Professor Percy W. Bidwell, director of studies, in the field of international trade. Mr. Diebold is at present a member of the staff of the Division of Commercial Policy of the U. S. Department of State.

John Archibald Fairlie, professor emeritus of political science at the University of Illinois, a former managing editor of the *American Political Science Review*, and a former president of the American Political Science Association, died on January 23, at the age of seventy-four, in Atlanta, Georgia, where he had gone to spend the winter in the home of his brother. He had never fully recovered from the effects of a major operation three years ago, and his health failed noticeably during the last few months. He was buried in the family plot in Jacksonville, Florida.

Professor Fairlie was born in Glasgow, Scotland, on October 30, 1872, and at the age of nine came to this country with his parents, settling in Jacksonville. He received his A.B. degree from Harvard University in 1895, his A.M., also from Harvard, in 1896, and his Ph.D. from Columbia in 1898. He served as an assistant in history at Harvard University in 1896-97, as a lecturer on municipal government at Columbia University in 1900, and as an assistant professor and junior professor of administrative law at the University of Michigan, 1900-1909. In 1909, he joined the department of political science at the University of Illinois, which had been established only five years earlier by Professor James W. Garner; and thus began the long association of those two distinguished political scientists with the University of Illinois, lasting more than thirty years, until Professor Garner's death in 1938 and Professor Fairlie's retirement in 1941. During those thirty-two years of his active service at Illinois, Professor Fairlie taught, particularly the principles of public administration, administrative law, jurisprudence, and municipal government, to hundreds of undergraduate and graduate students, who became his devoted friends and followers. He was at his best in the graduate seminar, guiding and directing the students in their researches and in the writing of their theses.

Professor Fairlie also had considerable experience in public service which helped to enrich and enliven his teaching. He was secretary to the New York State committee on canals in 1899-1900; delegate to the Michigan constitutional convention of 1907-08; special agent in the U. S. Bureau of Corporations, 1908 and 1909; chief clerk to the Illinois Tax Commission, 1910; chief of the Procurement Section in the War Department, 1918-19. While at Michigan, he served as secretary of the League of Michigan Municipalities, and shortly after going to Illinois, he became the principal founder and served for several years as secretary of the Illinois Municipal League. He was an alderman on the Urbana city council for six years, serving as chairman of the finance committee; and on various occasions he was called upon to give expert advice and assistance in respect to county and local financial problems in Illinois. Probably his most notable public service was the directorship of the Illinois Efficiency and Economy Committee, set up under Governor Lowden in 1914-15,

the recommendations of which, under his leadership, set the pattern for state administrative reorganization in Illinois and in the numerous other states that undertook such reorganization.

Professor Fairlie was a prolific writer and editor, being the author of a dozen books, more than 200 articles or notes, and about 150 book reviews, principally relating to administration, local government, and finance. The most notable of his books were: *Municipal Administration* (1901); *National Administration of the United States* (1905); *Local Government in Counties, Towns, and Villages* (1906); *Essays on Municipal Administration* (1908); *Administrative Procedure in Great Britain* (1927); and (with C. M. Kneier) *County Government and Administration* (1930). He was the second managing editor of the *American Political Science Review*, serving for nine years (1916-25); for about thirty years he was a member and chairman of the Board of Editors of the *Illinois Studies in the Social Sciences*; and he edited numerous other studies and reports. During his long service on the University of Illinois faculty, he was actively associated as member or chairman of many committees having the determination of University and College policies. He became head of the department of political science in 1938, succeeding Professor Garner. He was one of the founders and most active members of the American Political Science Association, and was president in 1929. Following his retirement from the University in 1941, he was visiting professor at Ohio State University during two different semesters, 1942 and 1943; and he continued to serve until his death as a member of the Illinois Public Aid Commission. He is survived by a brother, Andrew M. Fairlie, a chemical engineer in Atlanta, and by two sisters, Miss Margaret Fairlie of Jacksonville, Florida, and Mrs. Agnes Ricketts of Jackson, Mississippi.—CLARENCE A. BERDAHL.

Leo S. Rowe. The death of Leo S. Rowe in an automobile accident in Washington, D.C., December 5, 1946, brought to an end one of the longest, most distinguished, and most useful careers in Pan American affairs during the past half-century. Born at McGregor, Iowa, September 17, 1871, Dr. Rowe completed his schooling in Philadelphia in 1887 and then entered the University of Pennsylvania, with which he was connected during most of the next thirty years. He took the degrees of Ph.B. and LL.B. at this University in 1890 and 1895, respectively, and the degree of Ph.D. at the University of Halle in 1892. Appointed instructor in municipal government at the University of Pennsylvania in 1894, he rose to professor of political science in 1904, which position he resigned in 1917 to go to Washington as Assistant Secretary of the Treasury. After two years in this post, he served as chief of the Latin American Division of the State Department until September, 1920, when he became Director-General of the Pan American Union. He still occupied the latter position at the time of his death. He never married.

Beginning with his appointment in 1900 as a member of the Commission to Revise and Compile the Laws of Puerto Rico, he represented the United States government on many occasions—on national and international commissions and at international conferences—until 1920. After that date he took part in the regular and special Pan American Conferences (International Conferences of American States) in his capacity as Director-General of the Pan American Union. The last of these that he attended was the one held in 1945 at Chapultepec (Mexico City), where he had the satisfaction of seeing the conference adopt measures, some of which he had long advocated, for integrating the inter-American system and for strengthening the Pan American Union.

He was in no sense a "hemisphere isolationist." As a student and in his first years as a teacher, his major interest lay in the United States and Europe. Though his special interest in Latin America appears to have begun with his work on the Commission on Puerto Rico (1900-01), it did not assume major proportions until after the Third Pan American Conference at Rio de Janeiro (1906), which he attended as a delegate of the United States and at which he heard the famous address on Pan Americanism by Elihu Root, "precursor of the Good Neighbor policy." From this time forth, inter-American affairs absorbed Dr. Rowe's attention more and more, but he never lost the broad view of the interdependence between the Americas and the rest of the world with which he had entered the regional American field.

Dr. Rowe was influential in the field of scholarship and education as well as in public affairs. His courses at the University of Pennsylvania on the governments and the international relations of Latin America were among the first such courses given at any university in this country. His book, *The Federal System of the Argentine Republic* (1921), was long the standard work on the subject; and he was the author of several substantial books and articles on many other subjects. Through his friendship with the first Rector of the University of La Plata (Argentina), Joaquin V. González, he helped to shape the policies of that new university. As president of the American Academy of Political and Social Science, 1902-30, he exerted a strong influence in the field of what is now called adult education. In 1921, he occupied the post also of president of the American Political Science Association.

The many honorary degrees and decorations conferred upon Dr. Rowe by universities and governments throughout the Western Hemisphere testify to the widespread esteem in which he was held. The innumerable friends whom he won by his open, sympathetic, and generous nature remember him with warm affection as well as esteem.—ARTHUR P. WHITAKER.

Benjamin Bruce Wallace. The American Political Science Association lost one of its finest members when Dr. Benjamin Bruce Wallace died in Washington, D. C., on January 5. The cause of death was a pulmonary embolism following pneumonia. Operating behind the scenes in his quiet way, "Ben" had long been a constructive force for good government. His sudden death was a profound shock to his many friends in and outside the profession.

Born in Wooster, Ohio, on December 16, 1882, Dr. Wallace received his B.A. in 1902 from Macalester College, of which his father was president, and his Ph.D. from the University of Wisconsin in 1912. In 1904, he became Minnesota's first Rhodes scholar. Wallace taught political science at Northwestern University from 1913 to 1918, when he joined the staff of the U. S. Tariff Commission. He was associated with the Tariff Commission for almost thirty years, serving at intervals as chief of its Division of International Relations from 1922 to 1937, and as its adviser on foreign trade policies from 1937 until his death. In these capacities he won a national reputation as a tariff expert and had planned to attend the Geneva Trade Conference in the spring of 1947.

In addition to his distinguished public service as an adviser to the government on tariff problems, Dr. Wallace's career was marked by two special interests: the welfare of the Chinese people and the modernization of Congress—to both of which he made constructive contributions.

His interest in China stemmed from the years he spent there as a member of the Kemmerer mission to China and as adviser to the Chinese ministry of finance during 1929-31. On the eve of his death, he showed his deep affection for the Chinese people by suggesting, as a last wish, that his friends, instead of sending funeral flowers, contribute to the American Bureau for Medical Aid to China. He and his first wife, Mrs. Katherine Seelye Wallace, who died in 1938, had many friends among the Chinese colony in Washington and often contributed in quiet ways to China's cause.

Dr. Wallace was also a pioneer in the movement for congressional reform. He took the initial steps in the Washington chapter of the Association which led to appointment of its standing Committee on Congress in 1941. He served as an active member of this committee until his death and personally financed all of its activities. Dr. Wallace deeply believed in the need for fundamental reforms in our national legislature, especially in liberating it from errand-running and local pressures. Almost his last act was to collaborate with Stanley High in an article entitled "A New Chance for the New Congress," which appeared in the December, 1946, issue of the *Reader's Digest*. I am glad that "Benjie," as we knew him, lived to see the passage and adoption of the Legislative Reorganization

Act of 1946. And I acknowledge here my deep gratitude to him for his many constructive suggestions of methods for strengthening Congress as well as for his indispensable material support.

During 1931-33, Dr. Wallace was associated with the Office of Economic Adviser in the Department of State and participated in the London Economic Conference. And early in 1946 he was a member of the Mission on Japanese Combines, otherwise known as the Zaibatsu Mission, sent to Japan by the State and War Departments.

A painstaking if not a prolific writer, with a keen nose for factual accuracy, Dr. Wallace was co-author (with Lynn R. Edminster) of *The International Control of Raw Materials* (Brookings Institution, 1930), and a contributor to *War or Peace* (1937); *Financing the War* (1942); *The Reorganization of Congress* (1945); and various learned journals.

He was a long-standing member of the American Political Science Association, the American Economic Association, and other professional societies.—GEORGE B. GALLOWAY.

Forty-second Annual Meeting of the American Political Science Association. The forty-second annual meeting of the American Political Science Association was held at Cleveland, Ohio, on December 27-29, 1946, with the Hotel Statler as headquarters. This was the second annual meeting held in the year 1946, the 1945 meeting having been held in Philadelphia on March 28-30, 1946. The forty-second annual meeting marked a return to more normal conditions in the postwar period.

This meeting was held without conjunction with other learned societies. There was one joint session, however, with the National Council of the Social Studies. The registration numbered 650, as compared with 317 when the Association met in Cleveland in the year 1930; 555 in Columbus, Ohio, in 1938; and 649 in Philadelphia in 1946. The number of persons actually in attendance at round tables and other meetings is always larger than the number of registrants. Learned societies have not been entirely successful in educating their members to prompt registration at annual meetings.

The meeting in Cleveland coincided with the year of celebration of the 150th anniversary of the founding of the city of Cleveland. A distinguished program was offered as a result of the planning of Professor J. Alton Burdine (University of Texas), chairman of the Program Committee, and his colleagues of the same committee, including Cullen B. Gosnell (Emory University), W. Brooke Graves (Library of Congress), J. Donald Kingsley (Office of War Mobilization and Reconversion), Charles M. Kneier (University of Illinois), Arthur Macmahon (Columbia University), and Benjamin F. Wright, Jr. (Harvard University). The program included eight-

een round tables, designed for informal discussion, and fourteen sections, in which prepared papers were presented and discussed. Many of the round tables and sections met twice. Others had only one session. One of the outstanding features of the meeting was the address by Major-General William J. Donovan, who spoke at the Friday luncheon on the subject of "Intelligence for Foreign Policy." The presidential address was delivered on Friday evening, and this year for the first time was supplemented by an address on a related topic by a distinguished jurist. On Saturday evening there was a general session on the United Nations, followed by a smoker at the Hotel Statler offered through the courtesy of Western Reserve University. Following the custom established at the 1945 meeting, several of the research panels of the Research Committee of the Association held discussion sessions the afternoon of the second day of the meeting. These were followed by the annual business meeting.

The program of the meeting as actually carried out was as follows:

Friday, December 27, at 9:30 A.M.

ROUND TABLE MEETINGS

(R-1) BEYOND RELATIVISM IN POLITICAL THEORY—*First Session*

(JOINT SESSION WITH THE POLITICAL THEORY PANEL OF THE
COMMITTEE ON RESEARCH)

It is not the purpose of this round table to minimize the merits of relativism or of what is usually called the scientific method. Its purpose is rather (1) to take stock of the opinions held by participants and audience regarding the possibility of advancing beyond relativism in political theory, (2) to clarify the precise meaning of the different views, and (3) to discuss the legitimate functions of political theory under the competing opinions in the struggle of ideas.

Chairman: Arnold Brecht, New School for Social Research and Third Vice-President of the American Political Science Association.

Secretary: J. Roland Pennock, Swarthmore College.

Speakers: Francis G. Wilson, University of Illinois, and Chairman, Political Theory Research Panel; Gabriel A. Almond, Brooklyn College; Francis W. Coker, Yale University; John H. Hallowell, Duke University; Benjamin E. Lippincott, University of Minnesota; Eric Voegelin, Louisiana State University; Benjamin F. Wright, Harvard University.

(R-2) THE NEED FOR CONSTITUTIONAL REFORM—*First Session*

IS THERE A CONSTITUTIONAL CRISIS IN THE AMERICAN SYSTEM?

Chairman: W. Y. Elliott, Harvard University.

Secretary: Charles R. Cherington, Harvard University.

Speakers: Peter F. Drucker, Bennington College; Earl Latham, University of Minnesota.

Discussion: David Fellman, University of Nebraska; Charles B. Robson, University of North Carolina; C. Herman Pritchett, University of Chicago; George S. Pettee, Amherst College; Herman Finer, University of Chicago; H. M. Dorr, University of Michigan; Herbert McClosky, University of Minnesota.

(R-3) FEDERAL ADMINISTRATION: TRANSITION FROM WAR TO
PEACE—*First Session*

• PLANNING AND COÖRDINATION IN THE FIELD OF ECONOMIC POLICY

Chairman: Emmette S. Redford, University of Texas.

Secretary: Wilfred D. Webb, University of Texas.

Speakers: J. Donald Kingsley, Office of War Mobilization and Reconversion; Marshall E. Dimock, Northwestern University; Merle Fainsod, Harvard University; J. C. Jenkins, U. S. Bureau of the Budget; Elmer B. Staats, U. S. Bureau of the Budget; Bertram M. Gross, Council of Economic Advisers; Claude E. Hawley, University of Southern California.

(R-4) POST-WAR GOVERNMENT PERSONNEL PROBLEMS—*First Session.*

IN THE FEDERAL GOVERNMENT

Chairman: Wallace S. Sayre, Cornell University.

Secretary: Elias Huzar, Cornell University.

Speakers: Henry F. Hubbard, Federal Council of Personnel Administration; Everett W. Reimer, Office of Price Administration; Arthur S. Flemming, U. S. Civil Service Commission; J. Donald Kingsley, Office of War Mobilization and Reconversion; William J. Ronan, New York University.

(R-5) POST-WAR PROBLEMS OF LOCAL GOVERNMENT—*First Session*

THE PROBLEMS OF CITIES

Chairman: Arthur W. Bromage, University of Michigan.

Secretary: Herbert A. Simon, Illinois Institute of Technology.

Speakers: Charlton F. Chute, Governmental Research Institute, St. Louis; John M. Pfiffner, University of Southern California; Lent D. Upson, Wayne University; M. H. Satterfield, Tennessee Valley Authority.

(R-6) POLITICAL PARTIES—*First Session*

PROBLEMS AND PROGRESS IN RESPECT TO PARTY RESPONSIBILITY

Chairman: Clarence A. Berdahl, University of Illinois.

Secretary: E. Allen Helms, Ohio State University.

Speakers: Thomas A. Barclay, Stanford University; Paul T. David, U. S. Department of State; Claudius O. Johnson, Washington State College.

(R-7) INTERNATIONAL ORGANIZATION—*First Session*

CURRENT PROBLEMS IN INTERNATIONAL ORGANIZATION, GENERAL AND SPECIAL

Chairman: Pitman B. Potter, American University.

Secretary: Theodore R. Frye, Oberlin College.

Speakers: Quincy Wright, University of Chicago; Harold Sprout, Princeton University; Edward G. Lewis, University of Texas.

SECTION MEETINGS

(S-1) REPRESENTATIVE ASSEMBLIES IN A TECHNOLOGICAL AGE—
First Session

CONGRESS

Chairman: Ernest S. Griffith, Library of Congress, for John A. Perkins, University of Michigan.

Secretary: Mona Fletcher, Kent State University.

"Theories of Representation and the Functions of Representative Assemblies," Harold F. Gosnell, U. S. Department of State.

"The Congress, the President, and Twentieth Century Legislation," Lawrence Henry Chamberlain, Columbia University.

"Evaluation of the Legislative Reorganization Act of 1946," George B. Galloway, formerly Staff Director, Joint Committee on the Reorganization of Congress; Senior Specialist in Congressional Organization, Legislative Reference Service.

"The New Lobbying Law," Belle Zeller, Brooklyn College.

(S-2) GOVERNMENT AND BUSINESS IN THE POST-WAR PERIOD—

First Session

AN APPRAISAL OF PRICE CONTROL AND DECONTROL IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University of Pennsylvania.

Secretary: Bennett M. Rich, Rutgers University.

Participants: Ford P. Hall, University of Indiana; Edward W. Carter, University of Pennsylvania; Emerson P. Schmidt, Director of Economic Research, United States Chamber of Commerce; York Y. Willbern, University of Alabama.

(S-3) CONSTITUTIONAL PROBLEMS IN EUROPEAN COUNTRIES—

First Session

Chairman: James K. Pollock, University of Michigan.

Secretary: Samuel J. Eldersveld, University of Michigan.

"Political Reconstruction in Germany—Interzonal and Intrazonal," Karl Loewenstein, Amherst College.

"Constitutional Developments in Austria," Erich Hula, New School for Social Research.

"Post-War Constitutional Changes in the USSR," John Hazard, Columbia University.

"Constitutional Developments in the Danubian Area," Andrew Gyorgy, Yale University.

(S-4) THE BRITISH COMMONWEALTH OF NATIONS

Chairman: Taylor Cole, Duke University.

Secretary: Walter H. Bennett, University of Alabama.

"Reconversion in India," John H. E. Fried, International Labor Office.

"Reconversion in Australia and New Zealand," Leslie Lipson, Victoria University College, New Zealand.

"Social Democracy in the British Commonwealth," W. Hardy Wickwar, Hamilton College.

"Consultation as a Form of Commonwealth Government," Eugene P. Chase, Lafayette College

Discussion: H. Gordon Skilling, University of Wisconsin; Raphael Tuck, McGill University.

Friday, December 27, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

INTELLIGENCE FOR FOREIGN POLICY

Chairman: Walter F. Dodd, President, American Political Science Association.

Speaker: Maj. Gen. William J. Donovan, formerly Director, Office of Strategic Services.

Friday, December 27, at 2:30 P.M.

ROUND TABLE MEETINGS

(R-8) PROBLEMS OF TEACHING IN POLITICAL SCIENCE—*First Session*
THE BEGINNING COURSE

Chairman: Francis O. Wilcox, Head International Relations Analyst, Library of Congress.

Speakers: Marshall E. Dimock, Northwestern University; Harold M. Dorr, University of Michigan; Asher N. Christensen, University of Minnesota; Royden Dangerfield, University of Oklahoma; Roscoe C. Martin, University of Alabama; Benjamin F. Wright, Harvard University.

(R-9) AMERICAN FOREIGN POLICY: THE PACIFIC AND FAR EAST—*First Session*

STRATEGIC IMPLICATIONS OF POLICY; THE PHILIPPINES; JAPAN

Chairman: Harold M. Vinacke, University of Cincinnati.

Secretary: Ardath Burks, Graduate Student, School of Advanced International Studies, Washington, D.C.

Speakers: Edward W. Mill, U. S. Department of State; H. Arthur Steiner, University of California at Los Angeles; John M. Maki, Author; Wolfgang H. Kraus, U. S. Strategic Bombing Survey.

(R-10) AMERICAN FOREIGN POLICY: LATIN AMERICA

Chairman: Graham Stuart, Stanford University.

Secretary: Howard A. Cook, Council on World Affairs, Cleveland, Ohio.

Speakers: W. Grafton Nealley, U. S. Department of State; William Manger, Counselor, Pan American Union; William S. Stokes, University of Wisconsin; Bryce Wood, Swarthmore College.

(R-12) THE MILITARY FACTOR IN POLITICS

Chairman: William M. McGovern, Northwestern University.

Secretary: Lynford A. Lardner, Northwestern University.

Speakers: Maj. Gen. William J. Donovan, formerly Director, Office of Strategic Services; William Y. Elliott, Harvard University; Colonel Louis J. Fortier, Armed Forces Staff College; John D. Millett, Columbia University; Franz L. Neumann, Columbia University; T. V. Smith, University of Chicago; Richard C. Snyder, Princeton University.

(R-13) AN APPRAISAL OF PRICE CONTROL AND DECONTROL IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University of Pennsylvania.

Secretary: Bennett M. Rich, Rutgers University.

Speakers: York Willbern, University of Alabama; Edward W. Carter, University of Pennsylvania; Ford P. Hall, Indiana University; Emerson P. Schmidt, U. S. Chamber of Commerce.

SECTION MEETINGS

(S-5) DEVELOPMENTS IN ADMINISTRATIVE LAW—*First Session*

ADMINISTRATIVE TRIBUNALS

Chairman: James Hart, University of Virginia.

Secretary: H. Wesley Ward, Cornell College.

"The Administrative Agency—A Fourth Branch of the Government?" Hans J. Morgenthau, University of Chicago.

"The Role of *Smyth v. Ames* in Federal Rate Regulation," Frederick F. Blachly, The Brookings Institution.

"An Appraisal of the Federal Administrative Procedure Act," Julius Cohen, College of Law, University of Nebraska.

Discussion: Sylvester C. Smith, Jr., Newark, New Jersey, Chairman, Section of Administrative Law, American Bar Association; G. H. Durham, University of Arkansas; J. C. Pray, University of Oklahoma; F. H. Sherwood, University of California at Los Angeles; A. T. Vanderbilt, Dean, School of Law, New York University.

(8-6) INTERGOVERNMENTAL FISCAL RELATIONS—*First Session*

AS SEEN FROM A NATIONAL VIEWPOINT

Chairman: Wylie Kilpatrick, Governments Division, U. S. Bureau of the Census.

"The Current Picture of State and Local Finance," Lewis B. Sims, Governments Division, U. S. Bureau of the Census.

"Federal Functional Programs Affecting State and Local Finance," Hubert R. Gallagher, Council of State Governments.

"Mechanisms for Intergovernmental Fiscal Coöperation," M. I. Labovitz, U. S. Bureau of the Budget.

"Comparative American and Foreign Plans for Tax Coördination," James A. Maxwell, Clark University.

"Readjusting Functions and Areas," W. Brooke Graves, Legislative Reference Service, Library of Congress.

Discussion: Charles S. Ascher, National Housing Agency.

(8-7) TECHNOLOGY AND POLITICS

Chairman: Amry Vandenbosch, University of Kentucky.

Secretary: Willard N. Hogan, Berea College.

"Technology, National Resources, and Government," H. H. Bennett, Chief, Soil Conservation Service, U. S. Department of Agriculture.

"Technology and Politics," Herman Finer, University of Chicago.

"Can an Atomic War Be Avoided?," Denna E. Fleming, Vanderbilt University.

"Technological Change and Administration," S. McKee Rosen, United States Bureau of the Budget.

Discussion: Sigmund Neumann, Wesleyan University.

Friday, December 27, at 8:00 P.M.

PRESIDENTIAL ADDRESS AND GENERAL SESSION ON JUDICIAL ADMINISTRATION

Chairman: Arthur T. Vanderbilt, Dean, School of Law, New York University.

Presidential Address: "United States Supreme Court, 1936-1946," Walter F. Dodd, President, American Political Science Association.

"Set Ye Up a Standard in the Land," The Honorable Robert G. Simmons, Chief Justice of the Supreme Court of Nebraska.

Saturday, December 28, at 9:30 A.M.

ROUND TABLE MEETINGS

(R-1) BEYOND RELATIVISM IN POLITICAL THEORY—*Second Session*

(JOINT SESSION WITH THE POLITICAL THEORY PANEL OF THE COMMITTEE ON RESEARCH)

Chairman: Arnold Brecht, New School for Social Research and Third Vice-President, American Political Science Association.

Secretary: J. Roland Pennock, Swarthmore College.

Speakers: See list for first session.

(R-2) THE NEED FOR CONSTITUTIONAL REFORM—*Second Session*

SOME PROPOSED CONSTITUTIONAL REFORMS—PRO AND CON

Chairman: W. Y. Elliott, Harvard University.

Secretary: Charles R. Cherington, Harvard University.

Speakers: Thomas Finletter, Coudert Brothers, New York City, and formerly Special Assistant to the Secretary of State; Don K. Price, Public Administration Clearing House.

Discussion: Oliver Garceau, University of Maine; George Galloway, Legislative Reference Service, Library of Congress; Albert Vito, United States Department of Agriculture; Earl Latham, University of Minnesota; Emile Smullyan, Bureau of Labor Statistics, United States Department of Labor.

(R-3) FEDERAL ADMINISTRATION: TRANSITION FROM WAR TO PEACE—*Second Session*

ORGANIZATION PLANNING; CONGRESSIONAL RELATIONS

Chairman: Emmette S. Redford, University of Texas.

Secretary: Wilfred D. Webb, University of Texas.

Speakers: Marshall E. Dimock, Northwestern University; Merle Fainsod, Harvard University; J. C. Jenkins, U. S. Bureau of the Budget; Claude E. Hawley, University of Southern California; J. Donald Kingsley, Office of War Mobilization and Reconversion; Elmer B. Staats, U. S. Bureau of the Budget; Bertram M. Gross, Council of Economic Advisers.

(R-4) POST-WAR GOVERNMENT PERSONNEL PROBLEMS—*Second Session*

IN THE INTERNATIONAL AGENCIES

Chairman: Wallace S. Sayre, Cornell University.

Secretary: Elias Huzar, Cornell University.

Speakers: Russell Cook, United Nations; Frederick C. Mosher, United States Department of State; William J. Ronan, New York University; Paul David, U. S. Department of State.

(R-5) POST-WAR PROBLEMS OF LOCAL GOVERNMENT—*Second Session*

THE PROBLEMS OF COUNTIES

Chairman: Arthur W. Bromage, University of Michigan.

Secretary: Herbert A. Simon, Illinois Institute of Technology.

Speakers: Thomas H. Reed, Connecticut Public Expenditure Council; Estal E. Sparlin, Legislative Research Committee, State of Missouri; George W. Spicer, University of Virginia; Edward W. Weidner, University of Minnesota; Raymond C. Atkinson, U. S. Bureau of the Budget.

(R-6) POLITICAL PARTIES—*Second Session*

PROSPECTS FOR PARTY REALIGNMENT

Chairman: Clarence A. Berdahl, University of Illinois.

Secretary: E. Allen Helms, Ohio State University.

Speakers: Floyd McCaffree, Research Director, Republican National Committee; Arthur E. Naftalin, Secretary to the Mayor of Minneapolis; Alden L. Powell, Louisiana State University

(R-7) INTERNATIONAL ORGANIZATION—*Second Session**Chairman:* Pitman B. Potter, American University.*Secretary:* Theodore R. Frye, Oberlin College*Speakers:* Walter R. Sharp, College of the City of New York; John Brown Mason, Oberlin College; John H. E. Fried, International Labour Office.(R-8) PROBLEMS OF TEACHING IN POLITICAL SCIENCE—*Second Session*

TRAINING AIDS

Chairman: John D. Millett, Columbia University.*Secretary:* Robert J. M. Matteson, Institute of Public Administration.*Speakers:* John G. Bradley, Motion Picture Project, Library of Congress; Jack Johnson, State University of Iowa; Ruth G. Weintraub, Hunter College.(R-13) INTERGOVERNMENTAL FISCAL RELATIONS—*Second Session*

AS SEEN FROM THE STATES AND COMMUNITIES

Chairman: Wylie Kilpatrick, Governments Division, U. S. Bureau of the Census.*Speakers:* Harold F. Alderfer, Pennsylvania State College; Victor D. Brannon, St. Louis Bureau of Governmental Research; Roy Brown, Tax Foundation; Stuart A. MacCorkle, University of Texas; Joseph M. Ray, University of Maryland; Robert F. Steadman, National Institute of Public Affairs; Paul W. Wager, University of North Carolina; Harvey Walker, Ohio State University.

(R-14) GOVERNMENTAL LABOR POLICIES IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University, of Pennsylvania.*Secretary:* Bennett M. Rich, Rutgers University.*Speakers:* Raymond S. Short, Temple University; John P. Horlacher, University of Pennsylvania; Frank P. Fenton, American Federation of Labor; Henry G. Hodges, Dayton, Ohio; Ray Livingstone, Cleveland, Ohio.

SECTION MEETINGS

(S-1) REPRESENTATIVE ASSEMBLIES IN A TECHNOLOGICAL AGE—*Second Session*

STATE LEGISLATURES

Chairman: Donald Axelrod, Albany, N. Y., for John A. Perkins, University of Michigan*Secretary:* Mona Fletcher, Kent State University.

"Function of State Legislatures," Lynton K. Caldwell, Director of Research and Publications, Council of State Governments.

"Quality and Representativeness of State Legislators," Harvey Walker, Ohio State University.

"Critical Problems of Legislative Organization and Procedure," J. F. Isakoff, Director of Research, Illinois Legislative Council.

"Practical Suggestions and Prospects for Legislative Reform," D. Hale Brake, Treasurer of the State of Michigan.

(S-2) GOVERNMENT AND BUSINESS IN THE POST-WAR PERIOD—*Second Session*

GOVERNMENTAL LABOR POLICIES IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University of Pennsylvania.*Secretary:* Bennett M. Rich, Rutgers University.

Participants: John P. Horlacher, University of Pennsylvania, and Chairman, Regional Wage Stabilization Board, Third Region; Ray Livingstone, Vice-President in Charge of Personnel, Thompson Products, Cleveland, Ohio; Frank P. Fenton, Director of Organizations, American Federation of Labor.

(S-3) CONSTITUTIONAL PROBLEMS IN EUROPEAN COUNTRIES—*Second Session*

Chairman: James K. Pollock, University of Michigan.

Secretary: Samuel J. Eldersveld, University of Michigan.

"Italy," Mario Einaudi, Cornell University.

"France," Robert K. Gooch, University of Virginia.

"Scandinavia," Roy Peel, University of Indiana.

"The Netherlands," Samuel J. Eldersveld, University of Michigan.

Discussion: Marbury B. Ogle, Purdue University; Lionel Laing, University of Michigan; Erich Hula, New School; John Hazard, Columbia University; Karl Loewenstein, Amherst College; Army Vandenbosch, University of Kentucky; Warner Moss, William and Mary College.

Saturday, December 28, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

GOVERNMENT AND OUR NATIONAL ECONOMY

Chairman: Arnold Brecht, New School for Social Research, and Third Vice-President, American Political Science Association.

Speaker: Leon H. Keyserling, Vice-Chairman, Council of Economic Advisers, Executive Office of the President.

Saturday, December 28, at 2:15 P.M.

SECTION MEETING

(S-8) THE MANPOWER OF THE COURTS

Chairman: Arthur T. Vanderbilt, New York University, Dean of Law School.

Secretary: Francis R. Aumann, Ohio State University.

"Judges: Their Selection and Powers," The Honorable Laurence M. Hyde, Justice of the Supreme Court of Missouri.

"Jurors: Their Selection and Powers," The Honorable John C. Knox, Senior Judge of the United States District Court of the Southern District of New York.

"Court Officers: Their Selection and Responsibilities," Ralph R. Temple, Judicial Administration Consultant.

"Making the Judicial Machinery Function Efficiently: The Rule-Making Power; Judicial Councils; Judicial Statistics; the Administrative Office of the Courts," Henry P. Chandler, Director of the Administrative Office of the United States Courts.

Discussion: Glen R. Winters, American Judicature Society.

RESEARCH PANELS OF THE COMMITTEE ON RESEARCH

(1) COMPARATIVE GOVERNMENT

Chairman: Taylor Cole, Duke University.

Secretary: Andrew Gyorgy, Yale University.

"Field Research in Germany," James K. Pollock, University of Michigan.

- "Field Research in Soviet Russia," John N. Hazard, Columbia University.
 "Field Research in China," Paul M. A. Linebarger, School of Advanced International Studies, Washington, D. C.
 "Comparative Government Research and Area Training Courses," Frederick M. Watkins, McGill University.
 "A Future Publication Program in Comparative Government," Harold W. Stoke, University of New Hampshire.
 "UNESCO and Future Foreign Research Collaboration," Pitman B. Potter, American University, and Managing Editor, *The American Journal of International Law*.

(2) STATE AND LOCAL GOVERNMENT

Chairman: William Anderson, University of Minnesota.

Secretary: Dorothy Walker, Louisiana State University.

Participants: William L. Bradshaw, University of Missouri; W. Brooke Graves, Legislative Reference Service, Library of Congress; Winston W. Crouch, University of California at Los Angeles.

(3) MILITARY GOVERNMENT

Chairman: C. J. Friedrich, Harvard University.

Secretary: A. A. Maass, Harvard University.

Participants: J. T. Caldwell, Vanderbilt University; J. Q. Dealey, Jr., War Department; Joseph Bruner, Grinnell College; H. T. Goss, War Department; H. J. Heneman, United States Department of State; R. M. W. Kempner, Lansdowne, Pa.; E. G. Lewis, University of Texas; R. E. Long, University of Vermont; J. B. Mason, Oberlin College; Franz Neumann, Columbia University; R. G. Neumann, University of Wisconsin; Wallace Parks, Bureau of the Budget; W. D. Stout, University of Kentucky; P. H. Taylor, Syracuse University; W. W. White, Western Reserve University; Quincy Wright, University of Chicago; Harold Zink, DePauw University.

(4) REPRESENTATIVE GOVERNMENT AND THE LEGISLATIVE PROCESSES

Chairmen: Ernest S. Griffith, Library of Congress; Roland A. Young, Harvard University.

Secretary: Clarence Hechler, United States Bureau of the Budget.

Participants: Arthur W. Macmahon, Columbia University; Harvey Walker, Ohio State University; Belle Zeller, Brooklyn College; Donald C. Blaisdell, United States Department of State; Rodney Mott, Colgate University.

Saturday, December 28, at 4:30 P.M.

ANNUAL BUSINESS MEETING OF THE ASSOCIATION

Chairman: Walter F. Dodd, President, American Political Science Association.

Saturday, December 28, at 6:30 P.M.

DINNER MEETINGS

(1) PENNSYLVANIA POLITICAL SCIENCE AND PUBLIC ADMINISTRATION ASSOCIATION

Chairman: Jacob Tanger, President, Pennsylvania Political Science and Public Administration Association.

(2) MAXWELL GRADUATE SCHOOL OF CITIZENSHIP AND PUBLIC AFFAIRS

Chairman: F. G. Crawford, Vice Chancellor, Syracuse University.

(3) CONFERENCE ON COÖRDINATION OF FAR EASTERN RESEARCH

Chairman: Harold M. Vinacke, University of Cincinnati.

Saturday, December 28 at 8:00 P.M.

GENERAL SESSION

THE UNITED NATIONS

Chairman: Louis Brownlow, Public Administration Clearing House, and First Vice-President, American Political Science Association.*Speakers:* "The First Year of the United Nations," Andrew Codier, Executive Assistant to Secretary-General Trygve Lie.*"The Future of the United Nations,"* Admiral R. K. Turner, United States Naval Representative of United Nations Military Staff Committee.

Sunday, December 29, 8:00 A.M.

BREAKFAST MEETINGS

(1) PI SIGMA ALPHA

Chairman: Charles W. Shull, Wayne University, and National President, Pi Sigma Alpha.

(2) NATIONAL COUNCIL FOR THE SOCIAL STUDIES

(JOINT SESSION WITH THE AMERICAN POLITICAL SCIENCE ASSOCIATION)

Chairman: Robert Keohane, University of Chicago.*Address:* "What the Professional Political Scientist Can Do to Assist Social Studies Teachers in the Secondary Schools," Howard White, Miami University.

Sunday, December 29, at 9:30 A.M.

ROUND TABLE MEETINGS

(R-9) AMERICAN FOREIGN POLICY: THE PACIFIC AND FAR EAST—
Second Session

POLITICAL AND ECONOMIC ASPECTS OF POLICY: CHINA

Chairman: Harold M. Vinacke, University of Cincinnati.*Secretary:* Ardath Burks, Graduate Student, School of Advanced International Studies, Washington, D. C.*Speakers:* James K. Penfield, U. S. Department of State; Paul M. A. Linebarger, School of Advanced International Studies, Washington, D. C.; George E. Taylor, University of Washington.

(R-14) CITIZEN PARTICIPATION IN DEMOCRATIC GOVERNMENT

Chairman: Franklin L. Burdette, University of Maryland.*Secretary:* John E. Bebout, National Municipal League.*Speakers:* Harold F. Alderfer, Institute of Local Government, Pennsylvania State

College; Brooks Emeny and Shepherd L. Witman, Council on World Affairs, Cleveland, Ohio; Marvin B. Osterman, De Paul University, and Division of Administrative Management, Sixth Regional Wage Stabilization Board, Chicago; M. L. Wilson, U. S. Department of Agriculture; W. O. Cortelyou, Roosevelt College, Chicago.

(R-15) PRESSURE GROUPS

CONTRIBUTIONS OF VETERANS ORGANIZATIONS TO PUBLIC POLICY

Chairman: Belle Zeller, Brooklyn College.

Secretary: Charles R. Cherington, Harvard University.

Speakers: Colonel John N. Andrews, Personal Representative of General Omar Bradley, Administrator of Veterans' Affairs; Donald C. Blaisdell, Associate Chief of the Division of International Security in the United States Department of State; Robert E. Merriam, Director, Metropolitan Housing Council of Chicago; Colonel John Thomas Taylor, Director, National Legislative Committee of the American Legion.

(R-16) THE POLITICAL PATHOLOGY OF THE SOUTH

CHANGING ISSUES OF RACE, CLASS, AND PARTY

Chairman: H. C. Nixon, Vanderbilt University.

Secretary: John T. Caldwell, Vanderbilt University.

Speakers: Donald Strong, University of Alabama; Lynwood M. Holland, Emory University; J. B. Shannon, University of Kentucky; Manning J. Dauer, University of Florida; J. E. Miller, Lincoln University.

(R-17) THE TRIALS OF WAR CRIMINALS

CONSIDERATIONS OF POLICY AND PRACTICALITY, AS WELL AS OF JURISDICTION AND SUBSTANTIVE LAW

Chairman: Charles Fairman, Stanford University.

Speakers: Lawrence Preuss, University of Michigan, formerly of the Department of State and Adviser, United Nations Commission for the Investigation of War Crimes; H. A. Hauxhurst, Member of the Cleveland Bar, and formerly of the International Prosecution Section before the International Military Tribunal at Tokyo; Colonel H. William Holsinger, Member of the Cleveland Bar, and formerly Executive Officer, Legal Section, Headquarters of the Supreme Commander, Allied Powers in the Pacific.

(R-18) AMERICAN FOREIGN POLICY: EUROPE

AMERICAN-SOVIET RELATIONS

Chairman: C. J. Friedrich, Harvard University.

Secretary: Charles Carroll, Harvard University.

Speakers: W. Y. Elliott, Harvard University; Waldemar Gurian, University of Notre Dame; John N. Hazard, Columbia University; H. J. Heneman, Special Assistant to the Assistant Secretary of State for the Occupied Areas; Marbury B. Ogle, Jr., Purdue University; Arnold Wolfers, Yale University; Hans Simons, New School for Social Research.

SECTION MEETINGS

(S-5) DEVELOPMENTS IN ADMINISTRATIVE LAW—*Second Session*

ADMINISTRATIVE LAW IN WORLD WAR II

Chairman: James Hart, University of Virginia.

Secretary: H. Wesley Ward, Cornell College.

"Administrative Legislation in the War Production Board," Arthur N. Holcombe, Harvard University.

"OPA Contributions to Administrative Regulatory Practice," Harvey C. Mansfield, Chief, History Branch, Office of Price Administration.

"Price Control in the Courts—The Battle of the Meat Regulations," Nathaniel H. Nathanson, School of Law, Northwestern University.

Discussion: Earl Latham, University of Minnesota; Charles Aikin, University of California.

(S-10) METROPOLITAN GOVERNMENT

Chairman: Victor Jones, Wesleyan University.

Secretary: Stephen K. Bailey, Wesleyan University.

"Planning and Political Responsibility in Metropolitan Areas," Herbert A. Simon, Illinois Institute of Technology.

"Effect of Party Organizational Patterns on Party Attitudes toward Metropolitan Government," Hugh A. Bone, Queens College.

"Developments in Metropolitan Birmingham," J. Weldon Cooper, University of Alabama, and member of the Legislative Advisory Committee for the Jefferson County Survey.

"Developments in Metropolitan Cleveland," Earl L. Shoup, Western Reserve University

(S-11) CIVIL LIBERTIES

Chairman: Vincent M. Barnett, Jr., Williams College.

Secretary: Foster H. Sherwood, University of California at Los Angeles.

"The Expansion of the 'Clear and Present Danger' Concept," R. E. Cushman, Cornell University.

"The Supreme Court and Federal Protection of Civil Rights," R. K. Carr, Dartmouth College.

"The Right of Peaceful Picketing," R. A. Horn, Harvard University.

"Administrative Procedures and Civil Liberties," Foster H. Sherwood, University of California at Los Angeles.

(S-12) PUBLIC OPINION AND POLITICAL COMMUNICATIONS

ACTUAL AND POTENTIAL CONTRIBUTION TO THE UNDERSTANDING
AND PRACTICE OF GOVERNMENT

Chairman: Herman C. Beyle, Syracuse University.

Secretary: Roscoe Baker, Northwestern University.

"A Study of Sources and Levels of Information on World Affairs," Angus Campbell, Survey Research Center, University of Michigan.

"Opinion and Communications Research: What Neglected Governmental Angles?," V. O. Key, Johns Hopkins University.

"Public Attention and Public Opinion," Harold D. Lasswell, Institute of International Studies, Yale University.

"Contribution of the Opinion Polls to an Understanding of Government," George H. Gallup, American Institute of Public Opinion.

(S-13) UNIVERSITY BUREAUS OF PUBLIC ADMINISTRATION

A CRITICAL APPRAISAL OF ORGANIZED INSTITUTIONAL RESEARCH
IN AMERICAN UNIVERSITIES*Chairman:* Rowland Egger, University of Virginia.*Secretary:* William C. Rogers, Public Administration Clearing House.

"A Critical Appraisal of the Research Product of University Bureaus of Public Administration," George W. Spicer, University of Virginia.

"A Critical Appraisal of the Service Programs of University Bureaus of Public Administration," Harvey Walker, Ohio State University.

"A Critical Appraisal of the Educational and Training Activities of University Bureaus of Public Administration," George A. Graham, Princeton University.

"A Critical Appraisal of University Bureaus of Public Administration from the Standpoint of an Operating Agency," Lawrence L. Durisch, Tennessee Valley Authority.

"A Critical Appraisal of University Bureaus of Public Administration from the Standpoint of a Professional Association of Public Officials," Orin F. Nolting, International City Manager's Association.

"A Critical Appraisal of University Bureaus of Public Administration from the Standpoint of a Private Management Consultant," Joseph Pois, J. L. Jacobs & Company, Chicago.

(S-14) ATOMIC ENERGY AND SOCIAL EDUCATION

(JOINT SESSION OF THE NATIONAL COUNCIL FOR THE SOCIAL STUDIES
AND THE AMERICAN POLITICAL SCIENCE ASSOCIATION)*Chairman:* Clyde F. Varner, Head, Social Studies Department, John Marshall High School, and President of the Greater Cleveland Council for the Social Studies.*Secretary:* Wilbur F. Murra, Special Assistant to the Committee on International Relations, National Education Association.

"The Challenge of the Atomic Scientist to the Social Scientist," William A. Higginbotham, Executive Secretary, Federation of American Scientists.

"Adapting Social Education to Meet the Challenge," Charles W. Merrifield, University of Denver, and Executive Secretary, Rocky Mountain Conference on Atomic Energy.

Sunday, December 29, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

THE EMERGING CONFLICT OF POLITICAL IDEALS

Chairman: Arthur N. Holcombe, Harvard University.

"Clericalism," Eric Voegelin, Louisiana State University.

"Nationalism," William M. McGovern, Northwestern University.

"Soviet Communism," Albert Parry, Chicago.

The Executive Council of the Association met in morning and afternoon sessions on December 26. In attendance were President Walter F. Dodd, First Vice-President Louis Brownlow, Third Vice-President Arnold Brecht, Secretary-Treasurer Kenneth Colegrove, Assistant Secretary-Treasurer Harvey Walker, Managing Editor Frederic A. Ogg, Arthur Bromage, J. A. C. Grant, Edward F. Dow, Robert J. Harris, Chester C.

Maxey, Robert H. Connery, and C. Perry Patterson. In addition, the meeting was attended by two past presidents, William Anderson and Robert E. Cushman, and by chairmen of most of the Association's committees.

Its agenda consisted of forty-one items, including the approval of the minutes of the meeting of the Executive Council in Philadelphia on March 27, 1946, and the annual business meeting of March 29; a report on the acts of the President; reports of the Secretary-Treasurer on the membership and finances of the Association; report of the Audit Committee; adoption of the budget for 1948; a report of the Managing Editor of the *REVIEW* and the election of members of the Board of Editors for 1947-48; a report of the representatives of the Association in the American Council of Learned Societies; a report on the Personnel Service; a report of the Committee on Nomination of Officers for 1947; and reports from fifteen special and standing committees, as well as a number of significant items of new and unscheduled business. The Council was addressed at its luncheon session by First Vice-President Louis Brownlow and at its dinner session by C. Perry Patterson and Arthur W. Macmahon.

The minutes of the Philadelphia meeting of the Executive Council and of the business meeting were, on motion, approved as printed in the *REVIEW*. On motion of William Anderson, seconded by Frederic A. Ogg, the Council noted with regret the absence of Miss Martha Torrison, records secretary, from the Council meeting due to a recent operation, and directed the Secretary-Treasurer to convey to her the felicitations of the Executive Council upon her recovery. President Dodd, in reporting upon his acts, indicated that he had continued most of the existing committees, with some changes in personnel, and that he had added a Committee on the Judicial Function under the chairmanship of Dean Arthur Vanderbilt of New York University. He had also directed the Committee on American Legislatures to expand the scope of its activities by the appointment of a Subcommittee on State Legislatures. The Committee on International Cultural Relations, authorized at the Philadelphia meeting, was also reported as having been established during the year.

Secretary-Treasurer Colegrove, in reporting upon the membership of the Association, indicated that it now had the largest total membership in its history. The number of members as of December 15, 1946 was 4,075,—960 new members had been received during the year and 351 memberships had been canceled, leaving a net gain of 609, the largest in Association history. The Association now has 42 life members. A large part of the increase in membership is among graduate students in political science, who are becoming associate members of the Association.

The financial report of the Secretary-Treasurer reflected the member-

ship gain, showing total income for the year ending December 15, 1946, of \$23,872.14, of which \$19,879.76 was for memberships. The bank balance of the Association in its regular account on December 15 was \$12,729.93, an increase of \$2,973.54 over the previous year. There were accounts receivable of \$792.03 and \$3.50 in accounts payable. Expenditures for 1946 were \$20,469.63 from the general funds and \$214.01 from the trust funds. Of the general fund expenditures, \$10,893.84 represented the cost of publication of the REVIEW, and \$9,575.79 the other expenses of the Association. These expenditures represent an increase over budget estimates of some \$1,100.00, most of which is due to a substantial increase in the cost of publishing the REVIEW. This increase amounted to \$1,282.16; and, since the increase represents a 17½ per cent advance in the cost of publication for only the last six months of 1946, the cost for the year 1947 will be even greater.

Trust funds of the Association on December 15, 1946, totaled \$11,345.71, an increase of \$2,225.51 over the previous year. Of this amount, \$10,600.00 is in United States Government bonds and \$745.71 in cash. The assets of the Association other than cash include office equipment valued at a depreciated figure of \$324.54 and an inventory of back numbers of the REVIEW, which is carried in the accounts at \$8,000.00. There is also a small stock of other publications which are not valued and carried in the report.

The books of the Association for 1946 were closed on December 15, and a commercial audit was made as of that date by Alexander Grant and Company, 1 North La Salle Street, Chicago, Illinois, certified public accountants. The Committee on Audit of the Association, composed of John Day Larkin and Herbert A. Simon, examined the accounts of the Secretary-Treasurer and verified the audit prepared by the commercial auditors. The report of the committee is as follows:

"We have examined the accounts of the Secretary-Treasurer of the American Political Science Association and have verified the audit report made by Alexander Grant and Company, which is attached. We have found the statement of the accounts as prepared by the Secretary-Treasurer to be correct.

"The financial conditions of the Association during the past year, ending December 15, 1946, have improved over those of preceding years. This has resulted from an increase in all classifications of membership: associate, regular, sustaining contributing, and life members. Total receipts for the year plus the balance from 1945 were \$33,199.65. Disbursements have been \$20,469.63, leaving a balance of \$12,730.02.

"The Committee recommends that this balance of \$12,730.02 be retained subject to the disposition of the Secretary-Treasurer to meet the appreciable increase in current operating expenses as a result of increase in the cost of publishing the REVIEW and the higher salaries necessary for the staff. The committee wishes particularly to call attention to the fact that \$7,477.90 of this amount represents prepaid memberships."

This report was, on motion of J. A. C. Grant, seconded by John G. Heinberg, approved by the Council. The reports of the Secretary-Treasurer on finances and membership were also approved, and on motion of Chester C. Maxey, seconded by C. Perry Patterson, the budget for 1947, submitted by the Secretary-Treasurer, calling for estimated receipts of \$22,365.00 and expenditures of \$22,300.00, was approved.

The Council noted with profound regret the passing during the year of former president Leo S. Rowe and of two other distinguished members of the Association, Augustus R. Hatton and William E. Mosher. Memorials have already been published in the REVIEW for Dean Mosher and Professor Hatton, and a memorial for Dr. Rowe appears in the present issue.

The report of the Committee on Nomination of Officers for 1947 was presented by Denna F. Fleming of Vanderbilt University, chairman. Other members of the committee were John E. Briggs (University of Iowa), Everett S. Brown (University of Michigan), Robert E. Cushman (Cornell University), and Edward M. Earle (Princeton University). The committee proposed for president Arthur W. Macmahon (Columbia University), for first vice-president Quincy Wright (University of Chicago), for second vice-president V. O. Key, Jr. (Johns Hopkins University), for third vice-president Charles Fairman (Leland Stanford University), and for new members of the Executive Council for the three-year term 1947-49, Taylor Cole (Duke University), George Graham (Princeton University), Llewellyn Pfankuchen (University of Wisconsin), John Vieg (Pomona College), Belle Zeller (Brooklyn College). These recommendations were made after an advisory ballot, as provided by the constitution of the Association, in which suggestions were submitted by 179 members.

The Committee on Nominations included in its report two recommendations for changes in nominating methods: (1) that the ballot be shortened to include only one nomination for each office to be filled rather than two as at present, and (2) that the advisory ballots be sent out in the second half of the Association year rather than the first half. The report of the committee was received and approved by the Executive Council. The nominations were referred to the business meeting of the Association for action, and the recommendations on nominating procedure to the Nominating Committee for 1947.

The report of Frederic A. Ogg, Managing Editor of the REVIEW, indicated that Volume XL (1946) contained a total of 1,225 pages of textual material as compared with 1,256 in 1945. The number of pages devoted to leading articles was 268, a substantial gain over the preceding year, when 175 pages were devoted to such articles. The fields of interest in political science were represented by the following numbers of pages: (1) American Government and Politics, 146; (2) Constitutional Law, 51; (3) Public Administration, 45; (4) Rural Local Government, 11; (5) Foreign

Government and Politics, 48; (6) International Affairs, 41; (7) Instruction and Research, 56; (8) News and Notes, Personal and Miscellaneous, 83; (9) Book Reviews and Notices, 276; (10) Recent Publications of Political Interest, 171; (11) Doctoral Dissertations in Preparation, 14; and (12) Volume Index, 15.

The principal reason for the reduction in the total number of pages in 1946 was the increased cost of publication. The average size of issues was 204 pages, which the editor considers to be a minimum if the present general scheme of contents is to be maintained. The editor expressed regret that some of the mailings during 1946 were delayed, but explained that this was due to conditions in the printing business and that we were in a decidedly better position than many other publications. The allocation of space in the REVIEW is affected considerably by certain service features, which the profession appears to desire, which cut deeply into the space available for publication of articles. After these service features have been provided for, less than 80 pages remain in each issue, or approximately 500 pages in a volume. This is one reason why not more than one article in four of those submitted can be accepted. The Managing Editor indicated that it was proposed to reduce somewhat the frequency of symposia and to require those which appear to be briefer, and thus save space for other articles. An effort will also be made to reduce the length of certain leading articles in order to permit more diversification.

The Managing Editor reported that the terms of Everett S. Brown, Harwood L. Childs, Russell H. Fitzgibbon, Charles C. Rohlfing, and Frederic L. Schuman continued for another year, but that those of Robert E. Cushman, Fritz Morstein Marx, Lennox A. Mills, Louise Overacker, and Carl B. Swisher expired with this meeting. He nominated to the Council for election, as provided by the Constitution, Robert E. Cushman (Cornell University), Robert K. Gooch (University of Virginia), David Fellman (University of Nebraska), Fritz Morstein Marx (United States Bureau of the Budget) and C. Herman Pritchett (University of Chicago). On motion of J. A. C. Grant, seconded by C. Perry Patterson, the nominees recommended by the Managing Editor were elected for a two-year term as members of the Board of Editors.

In the absence of Franklin L. Burdette, Editor of the *Directory of the American Political Science Association*, Kenneth Colegrove, chairman of the committee, reported for the committee on the *Directory*. Of the 2,313 copies of the first edition, 2,017 had been sold, the remaining copies being quite adequate to account for the \$193.86 needed to balance the expenditures for the printing. Considerable demand for a second edition had been indicated to the officers; and the Executive Council, on motion of Kenneth Colegrove, seconded by John Heinberg, approved the recommendation of the Committee on the *Directory* that publication of a second edi-

tion be set for 1948, if practicable, and that editorial work begin as soon as feasible or necessary in 1947. The Secretary-Treasurer was directed to draw on general balances of the Association up to \$1,500.00 to finance the cost of publishing the second edition. The balance needed to cover the cost of printing will be defrayed from advance subscriptions.

Frederic A. Ogg, one of the representatives of the Association in the American Council of Learned Societies, reported on the activities of that organization which were of interest to our members. (The second representative of the American Political Science Association is Joseph P. Chamberlain.) In view of proposed changes in the constitution and by-laws of the American Council, the report was devoted principally to a discussion of the basic factors underlying the proposed reorganization. It is expected that the changes will be adopted at the meeting of the American Council at Rye, New York, January 29 to February 1.

The American Council of Learned Societies was organized at the close of World War I to create an agency which could speak for the humanistic and social science interests of the United States in dealings with the International Union of Academies. This early function has been increasingly overshadowed by the work of the Council in coördinating, developing, and supporting American research and training in the fields of the member societies. The societies affiliated with the ACLS at present number twenty-four, including our own. The work of the Council is supported largely by the Rockefeller Foundation and the Carnegie Corporation, although large additional amounts were available during the war in payment for services to the federal government. For some time, opinion has been growing both in the Council and in the Foundations that, if the Council could be reorganized to make it less cumbersome, it would be more effective. Omitting many details, the principal changes provided for in the new by-laws are as follows: (1) reduction of representation of constituent societies from two to one, with eight members at large elected by the Council from a panel prepared by the Board of Directors; (2) the substitution of a Board of Directors of eight, plus the officers of the Council, for the present Executive Committee and Advisory Board; (3) the separation of the treasurer'ship from the secretary'ship; and (4) changing the title of the Director to Executive Director and providing for his appointment by the Board of Directors rather than by the Executive Committee. If approved by the ACLS, the proposed changes will be referred to the Executive Council of the Association for ratification.¹

William Anderson, chairman of the Committee on Endowment, reported for the committee, indicating that the brochure prepared by the committee entitled "Political Science and the World of Tomorrow" had

¹ The new by-laws were adopted by the ACLS on January 29. MAN. ED.

been published and would be distributed to the members at the annual meeting. Additional copies will be mailed to all members of the Association. He suggested that members should see that it is placed in the hands of persons of means who might be in a position to contribute to the Endowment Fund of the Association either by gift or by will, and in the hands of attorneys and trust companies who are called upon to advise in the preparation of wills.

John Briggs, chairman of the Committee on Regional and Functional Societies, reported that the regional associations were resuming their meetings after the war and that there were evidences of increased activity in such associations in all parts of the country. The committee also reported on the application of the District of Columbia Political Science Association for recognition as a section of the American Political Science Association. Upon motion of Chairman Briggs, seconded by Robert J. Harris, the following resolution was adopted:

"That the American Political Science Association encourage the organization of local and regional groups of political scientists to promote the study and teaching of government, to foster research, and to facilitate the discussion of public affairs.

"That the American Political Science Association cooperate with local and regional societies in the achievement of the above purposes through participation in meetings, suggesting projects, and reporting accomplishments.

"That local or regional associations whose members are also members of the American Political Science Association may upon application be recognized by the Executive Council as sections of the national association, provided that their functions shall conform to the objects of the American Political Science Association and that they take no action in the name of the national association, as a section thereof, except with the express authority of the Association."

Following the adoption of this resolution, the District of Columbia Political Science Association was recognized as a section of the American Political Science Association.

In the absence of Arthur T. Vanderbilt, chairman of the Committee on Judicial Organization and Administration, the report of the committee was presented by President Walter F. Dodd. In appointing the committee, President Dodd had suggested to the chairman that among its early tasks should be to make the American Political Science Association acquainted with the work of the American Bar Association and the National Conference of Judicial Councils and that its second task should be that of organized cooperation with these bodies. In the accomplishment of the first objective, the committee organized a panel session for the annual meeting of the Association on the subject of "The Manpower of the Courts." Distinguished jurists and judicial consultants were obtained as speakers. The second objective is being approached by the committee through a study of the qualifications of the judiciary. This research, if

completed promptly, will be used in a projected volume, "A Survey of Judicial Administration in the United States," which will be published by the National Conference of Judicial Councils. The report was discussed and commented upon by the Council.

Supplementing this formal report, President Dodd orally informed the Executive Council of another project now being carried out under the chairmanship of Dean Vanderbilt with funds from the National Foundation for Education. This involves the establishment of a Citizenship Clearing House through which young graduates in political science could be aided in finding opportunities in practical politics. Arnold Brecht moved that "the American Political Science Association approves any attempt, competently made, to facilitate the transition from the study of political science to participation in practical politics. It notes with interest the project reported by Dean Vanderbilt and directs the president to appoint a committee to investigate the whole problem, to advise with Dean Vanderbilt, and to report back to the Executive Council." This motion was seconded by J. A. C. Grant and unanimously carried.

Royden Dangerfield presented a comprehensive report on recent developments in the publication program of the Department of State. He commented upon the effect of recent departmental reorganizations upon the publications and discussed in some detail the following series of State Department publications: *Foreign Relations*, *Miller Treaty Series*, *Department of State Bulletin*, other series, significant compilations of World War II documents and German documents. He presented the following resolution for action by the Executive Council:

"That the Secretary be instructed to inform the War and State Departments that the American Political Science Association commends the preparation and publication of the eight volumes on *Nazi Conspiracy and Aggression*, four of which have already been published.

"That the Secretary be instructed to write the Secretary of State requesting that every effort be made to complete the *Miller Treaty Series* with dispatch and to suggest that adequate staff and sufficient funds be sought so that at least one volume may be published each year. (Published volumes cover only the period to 1858.)

"That the Secretary write the Secretary of State expressing the gratification of the American Political Science Association for the undertaking by the Department of State of the compilation and publication of the *German Foreign Office Documents*.

"That the Secretary memorialize the Department of State to publish more promptly the publication of *Papers Relating to Foreign Relations*, now fifteen years in arrears.

"That the Association request the Senate Committee on Foreign Relations to compile and publish a compilation of treaties signed since 1938—such compilation would constitute a fifth volume of *Malloy's Treaties*.

"That the Association request of proper congressional committees that appropriations for the accomplishment of the above purposes be made to the Department of State."

On motion of Kenneth Colegrove, seconded by Harvey Walker, the resolution was approved and the officers were directed to send copies to the appropriate officials.

Kenneth Colegrove reported on a request which had been made to the Association by the United States Armed Forces Institute for assistance through the appointment of a panel of political scientists to advise USAFI concerning the selection of textbooks. This matter was taken up with the members of the Executive Council by letter, and the appointment of such a panel by the president was approved. President Dodd reported that the appointments had been made, including the officers and the members of the Executive Council of the Association, a total of twenty-two. It is understood that when USAFI has need for advice in this area, a committee of three will be chosen from the panel to give the needed service.

The report of the Committee on American Legislatures was presented by George B. Galloway, chairman. This committee was able to report a most remarkable achievement in the adoption by Congress of the Lefollette-Monroney Bill and its signature by the President of the United States, incorporating many of the recommendations made by the committee in its published report two years ago. He indicated, however, that the Legislative Reorganization Act departed from the recommendations (1) by failing to provide self-government for the District of Columbia, (2) by omitting to establish policy committees in the House of Representatives, (3) by entrusting the oversight function primarily to the Legislative instead of to the Appropriation Committees, and (4) by its silence on the seniority rule. The chairman indicated that it appeared that the leaders of Congress intended to carry out the act in good faith.

With the congressional reorganization largely accomplished, the emphasis in the work of the committee will now be changed to the state legislatures. A subcommittee on State Legislatures was appointed during the year under the chairmanship of Jack F. Isakoff of the Illinois Legislative Council and including Donald Axelrod, Frederic H. Guild, John A. Perkins, Orba F. Traylor, and Belle Zeller. The preliminary report of this subcommittee was presented by Jack F. Isakoff. He reported that the subcommittee was still in the stock-taking stage, but that during the current year work had been done on four items: (1) the nature and extent of legislative reorganizations, (2) the regulation of lobbying, (3) legislative research facilities, and (4) legislative committee systems. Coöperative relationships have been established with the Council of State Governments and with the National Municipal League. The report concluded with a list of twenty-five of the more important issues which had been presented to the committee as deserving immediate attention. The committee's work during the coming year will be devoted largely to stock-taking in selected areas suggested by this list.

The Secretary-Treasurer presented to the Council a proposal by a num-

ber of members of the Association, also members of the District of Columbia Political Science Association, for the establishment of a Committee on National Political Parties and Elections. This committee would have the objective of studying the organization and operation of national political parties and elections with a view to suggesting changes that might enable the parties and the voters to fulfill their responsibilities more effectively. The proposed field of study included (1) the improvement of party machinery as it affects legislative-executive relationships, (2) the making of political parties more effective instruments for the development of public policy, (3) securing more competent, representative, and responsible personnel in the top political posts of the government and parties, (4) strengthening the control of the electorate over the parties and party machinery, and (5) improving elections and the electorate. A substantial budget to cover the work of the committee was suggested, it being proposed that this be raised by the committee from private sources. On motion of Kenneth Colegrove, seconded by George Galloway, the president was authorized to appoint a committee on Political Parties as suggested in the memorandum to report at the next meeting of the Executive Council.

Pitman B. Potter presented the report of the first year's work of the Committee on International Cultural Relations authorized at the Philadelphia meeting. The first year of the committee's existence has been devoted largely to the establishment of contacts and the definition of the responsibility of the committee with reference to the work of other committees of the Association. The original charter of the committee directed it "to concern itself with the interests of the American Political Science Association with UNESCO, with the United States Department of State on cultural relations, and with relations with political scientists in foreign countries." It was considered that this frame of reference was too narrow to permit the committee to discharge its responsibilities; and on motion of Pitman B. Potter, seconded by Frederic A. Ogg, it was expanded to include "other organizations, national and international, appropriate to the activities of the committee." Louis Brownlow commented on the situation as to representation in the United States delegation to UNESCO. As a result of his suggestions, the Committee on International Cultural Relations was authorized to take whatever action seemed desirable to establish and maintain relations with the National Commission for UNESCO, and with the Economic and Social Council for the United Nations. Further discussion ensued on the problem of the organization of an International Political Science Association. On motion of William Anderson, seconded by Arnold Brecht, the Secretary-Treasurer was authorized to investigate the possibility of the organization of such an association.

Howard White, chairman of the Committee on Social Studies, presented

the report of that committee, which dealt with three projects: (1) the encouragement of the production of films depicting governmental processes as an aid to more effective teaching, (2) cooperation with the National Council for the Social Studies to secure a survey of social education in the high schools, and (3) the arrangement of joint sessions at the annual meetings of the National Council for the Social Studies and the American Political Science Association. Chairman White indicated that the problems with which his committee was called upon to deal were so intimately connected with the work of the Committee on Undergraduate Instruction that he felt that the two committees should be consolidated.

Francis O. Wilcox, chairman of the Committee on Undergraduate Instruction, presented the report of that committee. As a result of discussions among members of the Association in Washington during the war period, considerable progress was made in the consideration of the problems of undergraduate instruction. A symposium on this subject is now in preparation and will appear in an early number of the AMERICAN POLITICAL SCIENCE REVIEW. Chairman Wilcox agreed with the suggestion of Howard White that the two committees be consolidated; and on motion of Francis O. Wilcox, seconded by Chester C. Maxey, this consolidation was approved by the Council.

A report on the Personnel Service during 1946 was presented by the Assistant Secretary-Treasurer. He indicated that the calendar year 1946 was a very active one, due to the increased enrollments in colleges and universities and in departments of political science. A total of 107 different persons were registered at one time or another during the year, and 65 of these were known to have been placed, either temporarily or permanently, prior to the annual meeting. During the year, 47 vacancies were called to the attention of the Personnel Service, and an effort was made to suggest suitable persons to fill them. The 1947 edition of the Service will appear early in the year and will be distributed to appointing officers in the colleges and universities of the country. He suggested the need for establishing at the annual meeting of the Association a convenient place, served by a representative of the Personnel Service, where those desiring jobs could register and those needing men could consult the register and arrange conferences with those who seemed to have the desired qualifications. (Such arrangements were made at the Cleveland meeting and will be repeated at future meetings.)

The report of the Research Committee was presented by Chairman Ernest Griffith. He reported on the organization and conduct of research panels in the following areas: comparative government, international relations, military government, political communications, political theory, public administration, public law, relationship of government and military affairs, representative government and the legislative process, and state

and local government. The results of the deliberations of several of the panels already have been published in the *AMERICAN POLITICAL SCIENCE REVIEW*. Other reports are anticipated soon. Chairman Griffith also reported on the successful negotiation for three awards in the field of political science. Medals will be awarded annually by the Woodrow Wilson Foundation (for the outstanding work on American government and democracy) and by the Willkie Freedom House (for the outstanding work on international relations). Funds are also assured for an award in memory of Franklin D. Roosevelt for an outstanding work on the relation of government and human welfare. Through the Research Committee, an extremely favorable publication arrangement has been worked out experimentally with the Edwards Brothers of Ann Arbor, Michigan, for the publication of monographs by photo-offset. The publication of a guide to research facilities in the Washington area under the auspices of the Division of Government of the Bureau of the Census at the request of the Research Committee will soon occur. The committee has also given attention to the problem of declassification of war material. Information is desired by the committee as to specific material now classified which is needed for use by scholars and research projects.

Among the recommendations for future activity by the committee were (1) that the panel reports should appear in a single volume with a title such as "The Frontiers of Political Science," and (2) that a Committee on Awards should be set up to administer the awards already secured and any others which might be made available. The report was received and placed on file. On motion of William Anderson, seconded by Harvey Walker, the following vote was passed:

"That the APSA accepts with gratitude and appreciation the offer of annual awards by the Woodrow Wilson Foundation, by the Wendell Willkie Freedom House, and in memory of Franklin D. Roosevelt.

"That a special committee be appointed to negotiate with the donors as to details and to make recommendations as to the details and the administration thereof to the Executive Council."

In the absence of W. Reed West, chairman of the Committee on Election Statistics, a mimeographed report of the work of the committee was received and filed. The report announced the publication by the Bureau of the Census of "Votes Cast in the Presidential and Congressional Elections, 1928-1944." Future publications now in preparation include "Elective Offices of State and Local Government" and an elections calendar.

J. Alton Burdine, chairman of the Program Committee for 1946, presented a report for that committee, which was received with warm expressions of appreciation for the excellent program which had been prepared for the 1946 meeting. A similar report was made by Earl L. Shoup,

chairman of the Committee on Local Arrangements, who was also thanked by the Council for his excellent arrangements. The Council adopted a resolution of appreciation to Western Reserve University and to the Committee on Local Arrangements for their fine services.

The Secretary-Treasurer reported upon invitations for the annual meeting in 1947. After discussion, it was decided by the Council that the Association will meet in Washington, D. C., on December 29, 30, and 31, 1947, with the Statler Hotel as headquarters.

The Council adjourned at 6:15 P.M.

The annual business meeting of the Association was convened at 4:30 P.M. on Saturday, December 28, with President Walter F. Dodd in the chair and 255 members of the Association in attendance. The minutes of the business meeting of 1945 as printed in the REVIEW were unanimously approved. Kenneth Colegrove presented the report of the Secretary-Treasurer on membership and finances. This was followed by the report of the Audit Committee, which was presented by John Day Larkin and approved by unanimous vote of the members present. The Assistant Secretary-Treasurer presented a summary of the acts of the Executive Council at its meeting on December 26. Frederic A. Ogg reported on the AMERICAN POLITICAL SCIENCE REVIEW and Franklin L. Burdette on the *Directory*. William Anderson reported for the Committee on Endowment.

In the absence of Dean Arthur T. Vanderbilt, chairman of the Committee on Judicial Organization and Administration, Francis R. Aumann, a member of the committee, presented the report. Pitman B. Potter reported for the Committee on International Cultural Relations. Harold W. Stoke presented the following resolution, which was approved by the members present and referred to the Executive Council:

"In view of the great importance of knowledge as a basis for progress and mutual understanding, and

"In view of the great and world-wide difficulty of obtaining and disseminating such knowledge,

"The American Political Science Association, in this resolution, wishes to make known its warm support of the proposal on the part of the United Nations or any of its agencies to establish a service of research, publication, and broadcasting, free from restrictions of national censorships and controls, to be devoted to the searching out and dissemination of knowledge relating to the governments, institutions, ways and conditions of life throughout the world, this knowledge to be made accessible to scholars and publicists without restriction."

George B. Galloway presented a report for the Committee on American Legislatures, in which he indicated that according to estimates by the committee the Legislative Reorganization Act recently adopted by the Congress of the United States embodies 75 per cent of the original recommendations of the political scientists, 50 per cent of the proposals of the

efficiency engineers, and 80 per cent of the suggestions of the La Follette-Monroney Committee.

Ernest Griffith presented a report for the Committee on Research and Royden Dangerfield for the Committee on Publications of the Department of State. The resolution already approved by the Executive Council concerning the publication program of the Department of State was submitted to and approved by the members present at the business meeting.

Dr. William P. Maddox, Chief of Training Services of the Department of State, explained the recruitment program of that department as revised under recent congressional legislation. Harvey Walker presented a report on the Personnel Service.

The following resolution of thanks was presented by the Assistant Secretary-Treasurer and unanimously adopted:

"Resolved that the American Political Science Association expresses its sincere appreciation to Western Reserve University and to the Committee on Local Arrangements for the courtesies which have been extended during the course of this meeting. It desires especially to acknowledge its indebtedness for the capable and tireless service of Professor Earl L. Shoup, chairman of the Committee on Local Arrangements, and to Mr. Raymond A. Bruner of Western Reserve University, who handled the local publicity, making numerous abstracts and press releases which have resulted in such favorable and full reports concerning this meeting as have appeared in the local press and elsewhere through the several wire services."

The following resolution from the research panel on Representative Government was presented to the business meeting and by it referred to the Executive Council:

"The American Political Science Association, at its meeting in Cleveland, Ohio, on December 26, 1946, commends the Congress for the substantial progress which it already has made toward its own reorganization. We regard it as a long step forward in the perfection of a real and responsible representative democracy in the United States. We urge Congress to continue its study of and action upon this problem as its experience may warrant."

George B. Noble proposed the creation of a Committee on the Federal Constitution. He indicated that he felt that the time had come for a reappraisal of the adequacy of our federal constitutional document. He stated that recently the President of the United States himself had made certain proposals regarding presidential succession. Senator Fulbright and others had made proposals to clarify and improve lines of responsibility. The round table on "The Need for Constitutional Reform" had brought out problems of such importance and urgency in this field as to justify the immediate appointment of such a committee. After discussion, this suggestion was approved by the business meeting and referred to the Council.

The following resolution was submitted by Roy Veatch and referred to the Executive Council:

"It is moved that this meeting submit to the Executive Council its recommendation that a committee of the Association be created on World Peace and Security."

The chairman of the Committee on Nominations, Denna F. Fleming, presented the report of that committee. On motion of Clarence A. Berdahl, seconded by John A. Briggs, the persons nominated for officers and members of the Executive Council, as indicated above in the report of the Executive Council, were unanimously elected.

The business meeting was adjourned at 6:20 P.M.

HARVEY WALKER, *Assistant Secretary-Treasurer.*

Ohio State University.

BOOK REVIEWS AND NOTICES

Brandeis; A Free Man's Life. BY ALPHEUS T. MASON. (New York: The Viking Press. 1946. Pp. xiii, 713. \$5.00.)

It is a well-known fact that the work of the Supreme Court of the United States which has made this Court one of the foremost and most influential judicial tribunals was due to a relatively small number of the Justices who have been appointed to serve on this Bench. Albert J. Beveridge's *The Life of John Marshall* and Carl B. Swisher's biographies of Roger B. Taney and Stephen J. Field deal not only with the lives of these few outstanding Justices, but give also an account of the effects of the work of the Court during the nineteenth century upon the political and economic as well as the legal affairs of the nation.

From 1900 to date, the Court has had among its members more than the usual number of those who will in all probability take high rank in the annals of American judicial history. Few would deny that in this group should be included Justice Louis D. Brandeis, who served on the Court from 1916 to 1939. Professor Mason, with an excellent background and perspective for the period, has published the authorized biography of Brandeis and has given an interesting account of his career as a lawyer, counsellor, and public servant, from the time he began the practice of law in Boston until he had gained a national reputation and was nominated by President Wilson for the position of Supreme Court Justice.

The author gives a satisfactory and well-authenticated portrayal of the very active and versatile career of Brandeis, as practitioner, consultant, and adviser to a variety of public and private interests, and as the People's Attorney, serving frequently without pay the causes which he deemed to inure to the public welfare. As a reformer and in the aid of public service enterprises, Brandeis engaged in an amazing number of activities, making many friends, and also enemies who joined vigorously in opposing the approval of his nomination as Justice by the Senate. Fortunately, this opposition did not prevent his appointment to the Court.

In his treatment of the extensive scope of interests and activities of so versatile and at times dramatic a character as Brandeis, the author passes over too briefly and inadequately the twenty-three years of service as a Supreme Court Justice. A few more than a hundred in a book of seven hundred pages are devoted to this period of the life of Brandeis. It is to be expected, therefore, that some of the significant contributions of the Justice to our constitutional jurisprudence would receive scant or no consideration. More new and significant than has been made clear were Brandeis's views expressed in a number of majority and dissenting opinions; namely, not only that the judges should aid in changing the law to accord with existing requirements and needs, but also that *stare decisis*, although

ordinarily a wise rule in other fields of the law, should not rigorously be applied in the interpretation of our written and for most purposes rigid constitution. Among his many opinions supporting this view, one of the most important, *Erie Railroad Company v. Tompkins*,¹ overruling a decision of Justice Story relating to the application of general rules of law in federal courts made ninety-six years earlier, in which he effectively and with marked consequences for the future relations of federal and state law applied his well-formulated doctrine of *stare decisis*, receives only passing mention.

Another instance wherein the contributions of Justice Brandeis are not given due significance and perspective is the treatment of the decisions and findings of administrative tribunals. Joining the Supreme Court at the time when it still seemed to be the accepted policy of the Court, with only a few exceptions, to review the findings of fact as well as the law in the process of reviewing administrative determinations, Justice Brandeis at once made it clear that when legislative acts placed the duty and responsibility for the finding of facts upon administrative officers and commissions, such findings of fact, if duly supported by evidence, should be regarded by the courts as final. This principle he applied in numerous opinions, speaking for the Court, and a few years before his retirement from the Bench, in a concurring opinion in *St. Joseph Stock Yards v. United States*,² he gave a masterful analysis of what he regarded as sound procedure in the Court's review of administrative determinations. The present tendency of legislators and judges to ignore or depreciate this principle in the review of administrative determinations, to the detriment of the development of effective administrative procedure and action, makes the views of Brandeis more significant than when his opinions were delivered.

It is to be regretted that in such a thorough and significant analysis of the life and work of Brandeis the author failed to take advantage of the opportunity to deal more fully with his great contributions to constitutional law and with his constructive participation in the evolution of judicial doctrines.

CHARLES GROVE HAINES.

University of California (Los Angeles).

The Roosevelt I Knew. BY FRANCES PERKINS. (New York: The Viking Press. 1946. Pp. 408. \$3.75.)

This book is primarily a portrait of Roosevelt the man. It is not a biography, but rather an analysis of the mental, spiritual, and political

¹ 304 U.S. 64 (1938).

² 290 U.S. 38 (1936).

growth of one who "was not born great, but became great." The author states that she is "biased in his favor" and "bound to him by ties of affection, common purpose, and joint undertakings." However, the volume is far from uncritical. Miss Perkins recognizes the criticism directed at Roosevelt and evaluates it only where she has first-hand knowledge. Thus there is no elaborate discussion of the "purge" in 1938 or of the "court-packing" plan, although she has reason to believe that Roosevelt later regretted his Supreme Court reform program. She cites this latter incident as an exception to the Roosevelt policy of not getting oneself tied tight to a program from which there is no turning back.

The author's chapters on different parts of the New Deal such as relief, labor and the NRA codes, wages and hours, public works, and social security are contributions by a keen observer who played a direct and important rôle in the development of these programs. Her discussion is revealing and penetrating as she identifies persons, including herself, in and out of the cabinet who advanced different points of view—frankly giving or withholding credit as the case be. She probably takes the greatest pride in describing the steps that led to the passage of legislation for unemployment and old age insurance, and she concludes that Roosevelt "regarded the Social Security Act as the cornerstone of his administration, and, I think, took greater satisfaction from it than from anything else he achieved on the domestic front."

Miss Perkins admits that Roosevelt's technique of administration would drive professors of political science "almost mad." She reveals that duplication of federal administrative agencies did not disturb him. As governor of New York, he had been in the habit of securing coöperation that cut across department lines. He expected his entire administration to work as a team. To Roosevelt, government in a representative democracy had to be adapted to human feelings. As an example, the author points to the administrative set-up of the Civilian Conservation Corps in which Roosevelt "could accommodate the objections of labor, liberals, and those suspicious of the military without any conflict within himself on grounds of efficiency or logic." Furthermore, during the war years with their new and complex problems, Roosevelt saw real value in establishing new agencies, "rather than saddle it on an old institution If it is not permanent, we don't get bad precedents that will carry over into the days of peace There is something to be said, too, for having a little conflict between agencies. A little rivalry is stimulating, you know."

The volume is packed with amusing and serious anecdotes. A delightful picture is painted of the Roosevelt family, with Eleanor Roosevelt emerging as a remarkably gifted woman who was doing the President's bidding when she moved about the world serving as his "eyes and ears." Miss Perkins presents fresh material on the political and personal break with

Alfred E. Smith, which she considered "one of the political tragedies of the times." There are intimate vignettes of personalities who moved across the political horizon—particularly Hugh Johnson, John E. Lewis, Harold Ickes, Lewis Douglas, and Charles Murphy of Tammany Hall.

Although the book is loosely organized, it is without doubt the best work on Roosevelt that has appeared to date and will serve as an important source when his definitive biography is written. It is believed that Miss Perkins kept no diary; but there is ample evidence that she must have kept memoranda on important and interesting incidents as they occurred—although she does not specify her source material. The reviewer believes that Miss Perkins can make an even greater contribution to the understanding of the times and of Roosevelt's impact upon our national life by writing more fully at some future day on those domestic issues in which she was an active participant and observer.

BELLE ZELLER

Brooklyn College.

The President, Congress, and Legislation. BY LAWRENCE H. CHAMBERLAIN. (New York: Columbia University Press. 1946. Pp. 478. \$5.00.)

This provocatively titled book is an illuminating analysis of the American legislative process. The author has examined ninety major laws of the past half-century, "with a view to discovering the relative contribution that has been made by the President and by the Congress in their formulation." He has gone not only to public documents but to newspapers, including trade journals, bibliographical and memoir material, and scholarly analyses of technical subjects such as railroad regulation, fiscal policy, and agricultural economics. The ninety laws are presented in highly readable case studies, organized in ten chapters covering agriculture, banking and currency, business, government credit, immigration, labor, national defense, natural resources, railroads, and tariff.

The book is especially valuable for realistic description of the "mosaic of relationships" which involve in the legislative process not only the President and Congress, but administrative officials and representatives of private pressure groups. Bills are distinguished as presidential in origin "because, first, they mark major changes in governmental policy and, second, they have received the personal endorsement and active support of the President." By active support, the author means "one or more of the following: a special message to Congress; public announcement of his desire to have the bill passed; a White House conference with those who are handling the bill in Congress; a radio appeal to the country; behind the scenes activity by the President's contact agents."

Mr. Chamberlain finds the influence of Congress in our admittedly

heterogeneous legislative process much greater than has been supposed. He assigns only twenty per cent of the ninety laws studied to the influence of the executive, forty per cent to Congress, thirty per cent to a joint category in which presidential and congressional influence were equally important, and ten per cent to private interests. A tabulation identifies each of the laws in the assigned categories. Presidential influence seems to have been especially strong in national defense, somewhat less so in business regulation, and weakest in agriculture, natural resources, and railroad regulation. Congressional leadership has been paramount in banking and currency legislation, immigration, and labor legislation. Pressure groups have dominated tariff legislation.

Much of this material is challenging to widely held popular views. For example, of nine major labor laws, only one is credited to presidential leadership. Moreover, some laws commonly thought of as Administration measures are described by the author as joint products in which Congressional influence was dominant at all points down to final passage. The National Labor Relations Act of 1935 was "adopted" as an Administration measure, in "an atmosphere of rumor and indecision," only after the Wagner bill had made its own way for over a year and seemed likely to pass without presidential support in a form not wholly acceptable to Roosevelt. Mr. Chamberlain offers no evidence that Roosevelt backed the bill to gain Wagner's support on other measures, and it seems likely that the invalidation of the NIRA was a controlling factor in this situation. The President's hand was similarly forced in the Glass-Steagall Act of 1933, which Roosevelt did not resist outright but dodged effectively until a one-week extension of the special session gave congressional supporters of the bill a chance to push it through. Roosevelt then signed it "with the comment that it was the best legislation of its kind since the adoption of the Federal Reserve Act."

Although Mr. Chamberlain discusses merits and deficiencies of various acts, being primarily concerned with process and mechanism, he does not ask the general question, "Was this field covered by legislation as fully, promptly, and rationally as it might have been?" He does not deal explicitly with charges of incoherency and irresponsibility made by some students against the American system. Obviously aware that his excellent documentation at some points supports the impression that leadership in our legislative process has in the past been fortuitous, nevertheless he believes that there can be effective leadership in initiating legislation apart from the executive. Mr. Chamberlain speaks so persuasively of congressional leadership as a reality that the reader will wish that he had described it as fully as he describes the sources and techniques of presidential influence. He is impressed with the "depth of the legislative roots of most important statutes," and asserts that Congress effectively

serves "as a center for the origination and maturing of innovative legislation."

Mr. Chamberlain avoids collision with the argument that our legislative process should be modified on parliamentary lines. Effectively shifting the ground, he asserts that the individualistic and atomized nature of the congressional approach supplies values essential to the American brand of free institutions. To this reviewer, the implication seems to be that, lacking "responsibility" in the technical sense, we nevertheless have a sensitiveness to electoral opinion and a willingness to compromise which may be fully as significant for representative government, especially in governing a country on a continental scale. In contrast to the view that a legislative body operates most effectively when it leaves to the executive the initiation of legislative proposals, Mr. Chamberlain concludes that in the American legislative process, "The long germinative period detectable in the genesis of most laws . . . constitutes one of the most valuable contributions that a legislative body can make. No other agency in a democracy is so well equipped by composition and organization to discharge this function."

MARY T. REYNOLDS.

Hunter College.

America's Rôle in World Affairs. By EMIL LENGYEL. (New York: Harper and Brothers. 1946. Pp. xii, 316.)

This well written volume is a textbook for high school classes. It is intended to explain to young people what our rôle in world affairs has been and to point toward constructive activity in the future.

The need for books of this kind should be self-evident. Two great world wars have engulfed our energies within the past thirty years, in spite of our best efforts to have them leave us alone. Now our margins of safety are about used up. Drifting toward and into one more war in the atomic age is a hazard we cannot afford.

Lengyel has made an intelligent attempt to prevent young Americans from being caught napping again. He maintains that we have had clear-cut policies toward Latin America and the Far East (both of which are explained), but we have been mixed and muddled about our relation to Europe. This difficulty stems, he thinks, from our misinterpretation of the utterances of Washington and Jefferson about alliances—temporary and permanent.

The author is deeply impressed with the tragedy of our lost opportunity after the first World War. He is inclined to believe (mistakenly I think) that it might have been avoided if Wilson had asked his enemies in the Senate "to share his triumph on his trip to Europe." But he rightly de-

scribes the divergent and self-destructive policies, or lack of policies, which filled the drifting years between two world wars.

He explains fully, as anyone addressing our youth on the subject is duty bound to do, how truly global the plans of the Nazis were and how deadly for our future. He shows especially why South America was such an essential goal of German schemes. Isolationist revisionists are already trying to rewrite the history of our entry into World War II, hoping for the same success that they had in explaining away our entry into the first World War. But it would be fatal to our future to let them succeed again.

Japan's rise in the Far East, and our strange persistence in munitioning her, are adequately presented, and Russia's new rôle is fairly considered.

The last two chapters tell the story of the wartime conferences of Allied leaders and give an historical account of all previous attempts at international organization. Students who have read this book will not expect miracles of the United Nations, and they will be much better prepared than their fathers to support it for the long pull.

DENNA F. FLEMING.

Vanderbilt University.

Cities Are Abnormal. EDITED BY ELMER T. PETERSON. (Norman, Okla.: University of Oklahoma Press. 1946. Pp. xvi, 263. \$3.00.)

Mr. Elmer T. Peterson, formerly editor of *Better Homes and Gardens*, has been aware of the problems presented by cities for some years and in 1942 published a book, *Forward to the Land*. Now he has mustered an author of best sellers, an allergy specialist, an editor of *Fortune*, a professor of architecture, a retired industrialist, a political scientist, a social worker, a botanist, a religious editor, a population expert, and a federal civil servant to join him in exposing the shortcomings of the urban way of life in the United States.

The resulting book is aimed primarily at the general reader, or at least that section of the American reading public which gives its attention to current problems of a serious character. This, together with comparative brevity, leads to a somewhat cursory examination of the many ramifications of the problem rather than a detailed analysis such as the social scientist might like. Some of the chapters, such as the ones by Warren S. Thompson and J. J. Rhyne dealing with population problems and the social aspects of urbanization, do present a substantial amount of basic statistical material; but the common approach is argumentative rather than dispassionate.

Louis Bromfield may be satisfied with sweeping statements that large cities in the United States have contributed little or nothing of "real and permanent" value, and that they have led to general insecurity since the Civil War; but some readers at least would like more evidence. The re-

viewer finishes a number of the chapters with the conclusion that the authors have gone so far in a scathing one-sided denunciation that they have actually weakened their own case. There may be a basis for much of what Dr. Forman, the allergy specialist, writes—doubtless after seeing hundreds of these sufferers one would have a low concept of city life. But the very savageness of his attack detracts from its effectiveness. Again and again he falls back on the argument that rural life is “normal” because man has spent the greater part of his existence on this earth outside of cities. The fact that the modern farmer, with his mechanical equipment, automobile, radio, consolidated schools, hard-surfaced roads, and processed foods, is actually more similar in manner of living to the urban dweller than to the cave-dweller and tribesman apparently never occurs to him. He is vitriolic in his criticism of cities on the score of inadequate light; yet he becomes almost lyrical in praising rural life at its best in “the shaded house set in a shady lawn.”

The editor stresses the fact that it is not the intention of this book to present blue prints. This might be taken to mean that the book is entirely negative in character, considering the lack of attention given to cultural and other contributions of cities. However, the contributors do not always adhere to the editorial dictum. In the chapter entitled “The Atomic Threat,” Dr. Warren S. Thompson presents a positive approach which is both refreshing and illuminating. Professor H. C. Nixon escapes the Jeremiah category by emphasizing the importance of the county as a basic unit of local government. It is doubtful whether the authors could themselves agree on a course of action, but several believe that large numbers of industrial workers should be settled on small garden plots outside the limits of central cities.

No serious person will question the major importance of urban problems in the United States, especially with the development of the atom bomb. Books of the type reviewed may not contribute a great deal that is new, but they serve a useful purpose in focusing general attention on a field that should be constantly to the fore in our thinking.

HAROLD ZINK.

DePauw University.

Medical Services by Government—Local, State, and Federal. BY BERNARD J. STERN. (New York: The Commonwealth Fund. 1946. Pp. 200. \$1.50.)

Dr. Stern presents an interesting analysis of medical services at the various governmental levels in the United States, covering the wide chronological range from the time of the colonial almshouses with their unsegregated inmates to the modern scientifically-equipped, government-supported hospitals of today. This study is a lucid and interesting pres-

entation of valuable data concerning the evolution of present public medical-welfare services. The reader is impressed by the fact that many states today still lack adequate hospital facilities, and this is particularly true in rural areas. There is a great variation in the type of medical services offered to the indigent in the several states. One of the most difficult problems in this connection relates to the remuneration of physicians attending the indigent sick, particularly as concerning home-care; there is, in fact, no uniformity in the manner in which governments at the local levels have attempted to solve this very important problem. There is, however, a promise for the future in the findings presented by Dr. Stern in this research project. The work itself represents a coöperative effort between the medical profession (the American Medical Association) and governmental agencies to attain a more effective and widespread type of hospitalization and other medical services, not only for the indigent, but also for others of moderate means to whom medical expenses are often prohibitive.

Although this study is of primary importance to sociologists and other experts in social welfare, it has a decided interest for the political scientist as well. The statistical compilation of data concerning the number and kinds of hospitals supported by federal, state, and local funds is illuminating. The study is replete with charts and tables on every conceivable phase of medical-welfare activity, including the cost of hospitalization and of treatment per patient in the various types of hospitals throughout the United States, at all governmental levels. All available data have been placed at the disposal of the author, and the bibliography at the end of each chapter directs the reader to further sources of information. Interesting, too, is the evidence of increased coöperation between the medical profession and governmental agencies and their sense of joint responsibility in offering to the person of moderate income the best in medical advice and treatment. The outstanding developments, as pointed out by the author, include subsidized research activities in the fields of tuberculosis, mental disorders, cancer, and poliomyelitis, the wider development of clinical facilities, increased resources in the field of preventive medicine at the federal, state, and local levels, and a closer coöperation between federal and state governments in connection with this phase of social security. The reader of this study is left with a sense of amazement and gratification at the vast sums of money allotted by our governments, not only for the treatment and cure of many diseases, but also for research into the causes of some of the greatest scourges that have afflicted mankind.

ELIZABETH A. WEBER.

Hunter College.

James Monroe. By W. P. CRESSON. (Chapel Hill: University of North Carolina Press. 1946. Pp. xiv, 577. \$5.00.)

Dr. William Penn Cresson did not live to see completed the significant biography which now appears under his authorship. After his death in 1932, work on the volume was carried forward by Scott Hurtt Paradise and, in the final stages, by the editorial staff of the publishers. An Introduction by M. A. de Wolfe Howe gives a biographical sketch of the author. The latest findings on the genealogy of Monroe are reported in an appendix. Twenty-three well-chosen illustrations serve usefully to personalize the historical Monroe. Thirty-eight pages of notes and ten pages of bibliography, including an impressive list of collections of manuscripts, furnish convincing evidence of the very extensive, possibly exhaustive, use of the pertinent source materials.

The volume is a faithful chronicle of the numerous public services and missions in which this patriotic American spent more than fifty years of his life. It is largely a factual and narrative biography rather than one of analysis, interpretation, and objective evaluation. Especially for this reason, it can hardly be thought of as definitive, although certainly the most valuable and complete life of Monroe thus far published. The text is liberally infiltrated with quotations from the sources.

The author has been almost meticulous in his abstention from giving any opinion, estimate, or rating of Monroe. Only rarely appears even an incidental reference to or opinion on his dimensions. His "capacity for good sense and hard work" is mentioned on p. 110. The last chapter is entitled "Last Years of a Great American." It is stated on p. 275 that in the War of 1812 "Monroe met the crisis with typical courage and sacrifice of self." And on p. 469 appears the generalization that "an administration of eight years, one of the most dignified and successful in history, stood behind Monroe."

A further chance evaluation is made on pp. 219 and 220. "And around this question of a special mission was to be fought the first battle within the Republican party in the private war over what began with a disagreement on foreign policy and ended in an undignified tussle over the succession to the presidency. In this struggle Monroe was suddenly to find himself the key figure, playing a rôle that put to the most severe test those qualities of his character—more ruggedly honest than impressively brilliant—that won for him his place in the history of his country. From that fiery crucible he was to emerge with a prestige that made him the central figure in the golden age of his party—the Era of Good Feeling." But he was also on occasion a central figure in the mutual suspicions, wrangles, and bickerings so prevalent in his time, reaching sometimes even into his own cabinet and into Congress.

This new biography substantiates rather than modifies the position traditionally assigned to Monroe. It does not add perceptibly to the little already known about the pre-Revolutionary years. The striking lack of intimate personal details of his adult relationships, both public and private, and of his philosophy and theories, continues as before. Apparently Monroe was not the manner of boy, youth, or man to leave imprints of this nature on the contemporary records.

The author indulges in no speculation; but readers (who ought to be many) can find here a stimulating and challenging assignment by using these copious materials as a basis for determining whither and how far Monroe would have gone had he travelled entirely on his own power and without the charts, predetermined courses, and guidance supplied by his distinguished predecessors and contemporaries.

ARNOLD J. LIEN.

Washington University.

Leviathan in Crisis; An International Symposium on the State, Its Past, Present, and Future, by Fifty-four Twentieth Century Writers. COMPILED AND EDITED BY WALDO R. BROWNE. (New York: The Viking Press. 1946. Pp. xvi, 430. \$3.75.)

In the prolonged crisis of the state through which we are living, it is appropriate that we should have an interim report, just as there are "recaps" during the reporting of election returns. Such is the purpose of this volume, whose moral is that "the still rampant Leviathan of the sovereign State must somehow be curbed and humanized and brought within the rule of law, under control of its master and creator, Man. It must renounce what have hitherto been its chief preoccupations, the promotion of class interests and the organization of national egotism, devoting itself instead to the promotion of common interests and the organization of world-wide altruism" (p. xiv). Although one may have read most of the books from which the selections of this volume are taken, there is a sharp impact when they are brought together as they are; for the common theme, if any may be stated, is that the modern state is not a very good or trustworthy institution. If these writers may be taken as representative of our time—and in certain respects they may—the modern intellectual distrusts the state, he demands the destruction of its sovereignty, and he is skeptical of the social purpose it expresses.

Many of the selections in this volume were written in the period of World War I, and others were written during the more hopeful moments of the long armistice between the wars. There is, therefore, a powerful suggestion of the continuity of problems and issues that changed only by intensity as the crisis that produced World War II emerged. Much the same might be said of the issues that face us in these early days of another

postwar era, the question of international control, and the benumbing problem of the atom bomb. Indeed, it seems to the reviewer that the force of the book is enhanced by the fact that so many of the selections in the symposium were composed nearly a quarter of a century ago.

Yet, however provocative Mr. Browne's selections may be, they are not organized in such a way as to be useful for the teacher of political theory. No doubt the editor was aiming at the general reader more than the teacher and the student, but a properly organized symposium on the modern state crisis should be a highly useful book. There are many shakings in the denunciation of the sovereignty of the nation-state, and there are many different schools of thought in modern political theory, even though they do have much in common in their attitude toward sovereignty. Might it not have been possible to get the internationalists together in one group, while pluralists, Marxians, theologians, psychologists, philosophers, and others could each have been given their niche? Thus the differences of point of view and social interpretation that tend to be lost in these fifty-four selections could have been preserved, and a much more valuable book might have been produced. Lenin nestles between Professor MacIver and Ortega y Gasset, and other Marxists turn up here and there, just as pluralists are scattered in different parts of the volume. On the other hand, this is a sobering work to read just after we have emerged from a war in which even the democracies were forced to put the state on a pedestal again, if only for a moment.

FRANCIS G. WILSON.

University of Illinois.

Americans in Persia. BY ARTHUR C. MILLSPAUGH. (Washington, D. C.: The Brookings Institution. 1946. Pp. ix, 293. \$3.00.)

Arthur C. Millspaugh has directed the work of two American financial missions in Iran, one from 1922 to 1927 and another from 1943 to 1945. The author writes in this book chiefly about the latter one. He also surveys Iran's broader political and economic problems and devotes many pages to the question of Big Three tensions that exist in that country. It is not surprising that any book on Iran should deal at length with the international rivalries centering on the plateau lying between the Caspian Sea and the Persian Gulf. It is the area which has divided Russia and the British Empire. Today its oil resources and usefulness as a cross-road for aviation traffic make it again a strategic prize. Iran has long been subject to side intervention, and Millspaugh shows that the ancient land of Persia still cannot solve its troubles alone and that it needs outside aid, which inevitably will be forthcoming—either in the form of coöperative foreign assistance or through unilateral interference from abroad.

The revealing evidence which this book presents clearly demonstrates

that joint international action relating to Iran will be extremely difficult to achieve. Perhaps it will be impossible at this late date to find a basis on which Iran and the Big Three can build a mutual program. Millspaugh not only points out in the sharpest way that the American State Department failed at the crucial hour to support the financial mission which he headed during the war, but believes that our recent diplomacy has been hopelessly inadequate on other occasions in Iran. After Pearl Harbor, we followed a policy of appeasement toward Russia in this region and lost the opportunity which existed during the war years to establish a foundation for Four-Power reconstruction in Iran.

Writing after the Iranian "case" was heard before the United Nations Security Council, Millspaugh argues that there is yet time to inaugurate coöperative action to solve Iran's problem. He urges that foreign control and tutelage be put on a rational basis. To do this, he believes three requirements must be met. First, a long-term reconstruction program is needed; twenty-five or fifty years may be necessary for carrying out the projects he proposes. Second, any broad-scale undertaking should be based on authority derived from a Four-Power treaty. Only thus can adequate strength, continuity, and prestige be given to the work contemplated. Third, the most comprehensive kind of proposals must be outlined and developed. Moreover, America must take the initiative in pressing for action in Iran, in keeping with the high aims of our foreign policy. Millspaugh recognizes that Russia may not wish to enter into such a program. Indeed he is convinced that up to the present Moscow has taken advantage of the lack of any constructive policy on our part. If the Soviet Union refuses to enter into a mutual program, then he admits we must decide whether Iran is to fall within the Soviet orbit, the Anglo-American sphere of influence, or be divided between the two.

Millspaugh has learned from his own attempts to erect a sound financial structure in Iran that many aspects of Iranian life must be changed. The detailed suggestions for improvements which make up his comprehensive program spring from an acute analysis of conditions on the spot. Raising public morality and ridding the government of corruption are perhaps the foremost changes which he believes must be brought about. Persians themselves must radically alter their educational system. Proper personnel policies in government agencies, supervision of elections, and adherence to democratic processes will also be necessary. Agriculture should be revitalized, in his view; and the promotion of irrigation and reforestation rank high among his plans. Millspaugh does not consider Iran suited for extensive industrialization and suggests that those industries now controlled by the state should be returned to private owners. He recognizes that the oil problem underlies much of Iran's present trouble. If foreign rivalries about Iran's petroleum reserves can be settled in no

other way, he would favor their exploitation by international operating companies. He believes that Iran's share in oil royalties should be greater than those now received—in which event little if any outside capital, in his opinion, would be needed to finance Iran's reconstruction.

GRANT S. McCLELLAN.

Foreign Policy Association.

World Monopoly and Peace. By JAMES S. ALLEN. (New York: International Publishers. 1946. Pp. 288. \$3.00.)

" . . . even during the war American cartelists helped the Axis powers " "The liberal flavoring of the [American] program [free enterprise, free competition, free access, and free trade] tends to obscure its essence. Undoubtedly many opponents of monopoly and advocates of international coöperation fail to recognize the expansionist content of the program." "The Soviet Union is the only world power which is neither aggressive nor potentially aggressive." "The destructive power stored away in the atom-bombs of the United States is no match for the forward movement of Nations to socialism, which is the future of America as it is of the world." (Chapter X, "The Soviet Union," discusses the transition from socialism to communism.)

Though separated from contexts, these statements, in this reviewer's opinion, represent accurately the tone, approach, and content of this appropriate addition to International Publishers' list of titles in Marxian and leftwing-Communist economics and politics. Many other remarks and phrases will as readily indicate the character of the book and the predilections of the author. "Monolithic unity of the Soviet system" is a badge of identification. And the statement: "Soviet society consists of only two basic classes, the working class and the collective farmers, in non-antagonistic and friendly relation to each other." For that matter, Mr. Allen indicates his position frankly and clearly; and he organizes capably the carefully-chosen material.

The special concern of the study is monopoly capitalism and imperialism, and their past and probable consequences for peace and for national policies. Chapters on monopolies or cartels and their influence in Germany, Japan, the United States, and Britain, with details of the struggles among them for world economic domination, are followed by a favorable interpretation of the Soviet economy and its rôle in world affairs. Numerous facts and incidents, some of them pertinent and many of them interesting in themselves, are brought together with the adroit technique so well developed by this school of writers. But the broad implications and indicated conclusions from this "wealth of documentation" will not appear unprejudiced to the reader unless he, to begin with, accepts what appears to me to be the "party-line" attitude toward the subject—or

object—of the book. There is nowhere an indication either of the democratic structure or the democratic results of many corporate or other capital organizations which might be classified as monopolistic or even “large.”

Final chapters are titled “State Capitalism, Fascism, and Democracy” and “The World Crisis.” They attempt an over-all picture of economic drives in the present world and indicate the variations from place to place in “state intervention” or “government control.” The conclusion is that the great crisis of world relations and the danger to peace are brought on by the demands of monopoly capitalism for survival and by the innumerable inner conflicts of the type of economic society which it represents. Only a transmutation of capitalism into a socialist form of society will resolve this crisis and danger and attain ideal social goals. But, of course, this human parallel to the transmutation of metals by fission of the atom is “inevitable.”

J. WILLIAM ROBINSON.

Purdue University.

Labor Problems. W. V. OWEN. (New York: The Ronald Press, Inc. 1946. Pp. vi, 570. \$4.50.)

This latest textbook in the field of labor problems is distinctive primarily because it presents a new plan of organization for such texts—one which will probably be widely duplicated. It gives unity to the wide variety of material on wages, population, child labor, industrial accidents, women in industry, arbitration, etc., that has made of most labor-problems texts jungles of unassorted facts. Professor Owen believes that since most labor problems are fundamentally economic in nature, the subject of wages provides the core for a strict treatment of the affairs of labor. The framework of organization for the book thus becomes a systematic study of the labor market wherein labor is exchanged for wages.

Part I deals with the rôle of labor in the economic system and the distinguishing characteristics of the labor market as contrasted with other markets. After this introduction, Part II analyzes the operation of the labor market in terms of the demand and supply factors determining wages, hours, and working conditions. Part III, on “Control of the Labor Market,” is composed of a series of well organized chapters on the organization and policies of the two groups, employers and trade unions, that attempt to determine the verdict of the market. This material is followed by two chapters on the laws of industrial relations, the legal framework in which the two parties operate. The last chapter presents a backward glance at the highly centralized labor market of the war years and discusses the values of a free labor market. The final section of the book, Part IV, is concerned with the problem of “Security in the Labor Mar-

ket." Here are discussed the problems of the maintenance of industrial peace, social security, and unemployment.

In all, Professor Owen has fitted most of the conventional material of labor-problems texts into a meaningful framework. With less marked success, he has also attempted the difficult task of making his treatment analytical rather than descriptive. The first two sections succeed in this announced objective, but they do not attain the level of economic analysis that an explanation of the structure and functioning of labor markets would seem to require. In the last sections on control and security in the labor market, much unintegrated minor factual material appears with little attempt at analysis.

The question of what should be included in a labor-problems text has always presented difficult questions of evaluation. Professor Owen's work, along with R. A. Lester's *Economics of Labor*, appears to indicate a trend toward the limitation of material to that which has immediate relevance to economics. Thus the psychological and sociological aspects of labor problems lapse into the background and only the legal structure within which the labor market operates still receives detailed attention. It is to be hoped that such limitation of the scope of textbooks will in use be compensated by coördination with the course offerings of other social science departments and by coöperative effort in labor research between economists, psychologists, sociologists, and political scientists.

A. MORGNER.

Northwestern University.

The International Labour Movement. By JOHN PRICE. (New York: Oxford University Press. 1945. Pp. viii, 273. \$4.50.)

Coming at a time when international organizations are being re-knit and built anew, this study is most opportune. It is written by an Englishman who has had first-hand experience with British labor and with the International Labor Office, where he was employed at the time of publication.

Mr. Price begins with a brief review of the evolution of the international labor movement from the founding of the First International in 1864 to 1939. Then follow chapters dealing with structure, work in both the political field and the economic, problems of organization, and finally methods and functions. His underlying purpose "is to throw light on the position of the international labor movement by bringing together some of the essential facts and examining some of the most important problems."

The author sees in the labor movement an important instrument for undergirding a general international body like the United Nations. He emphasizes, however, that before its great potentialities can be more fully utilized than in the past, trade union bodies, socialist and labor parties,

must devise methods of constituting world institutions that are more adept at formulating policy and executing decisions. The problem, Mr. Price believes, is not so much the creation of new organizations, nor the combining of existing bodies, nor the division of labor between those now in existence. Rather, he believes, there already exists a broad general division of labor between international bodies primarily concerned with political matters, such as the Labor and Socialist International and the International Socialist Youth, and bodies chiefly concerned with industrial affairs, like the International Federation of Trade Unions and the International Trade Secretariats. Instead, "the problem, in the main, is one of coördination."

A still more basic problem is that of welding loosely connected, autonomy-minded, national unions and parties together in workable bodies. While Mr. Price makes valuable suggestions for improvement, he believes that past experience demonstrates that trade unions will contest for autonomy with the same fierceness that national states insist upon sovereignty. "It is unlikely," he says, "that the trade unions and Socialist parties will willingly agree to abandon any substantial part of their autonomy and to place themselves under the orders of international organizations." The author hopes, nevertheless, that the imperative need for world peace and order, coupled with greater educational efforts, will incline trade unions to more international collaboration and voluntary implementation of decisions made by international bodies. He is even hopeful that Russia's labor bodies can be led to coöperate.

This book makes an important contribution in bringing into focus problems inherent in creating workable international organizations among functional bodies. Mr. Price writes easily and clearly; he displays familiarity with the organizational maze characteristic of the labor movement; he properly senses politico-economic relationships; he is sympathetic and conservative in his judgments; and, while distinguishing between the desirable and the possible, he gives ample evidence of understanding some of the things which must take place if international labor organizations are to be built soundly and enjoy the influence they deserve. American readers will wish for fuller treatment of the factors that have grievously retarded the participation and leadership of American trade unions in the international field; but that is subject enough for a treatise in itself.

JOHN H. FERGUSON.

Pennsylvania State College.

European Population Transfers, 1939-1945. BY JOSEPH B. SCHECHTMAN.
(New York: Oxford University Press, 1946. Pp. xi, 532. \$5.00.)

Since World War I, the transfer of populations has become a widely

publicized measure for solving difficult minority problems. Mr. Schechtman's detailed study of the large-scale shifts of population effected in Europe during World War II therefore serves two purposes. (1) It analyzes the motives leading to these population movements and the results achieved. (2) It presents a partial basis on which to assess the utility of the technique as a means of removing some of the causes of friction between nations. It also indicates indirectly why the tragedy of the displaced person may embitter and disturb European life for some time to come.

Because the transfers of German minorities involved the largest number of persons and a large number of areas in Europe, over two-thirds of Mr. Schechtman's text is devoted to a study of the transfer and resettlement of this particular nationality group. Perhaps one of the most significant conclusions to be found in these pages is that the removal of German minorities from the Baltic states, eastern Poland, and the Balkans was not motivated by a desire to draw these groups once more within the protective fold of the Reich, but rather to eliminate a possible source of friction with Germany's powerful neighbor, Russia, or to remove only those communities from the Balkans whose isolation made them useless as a German spearhead and who could therefore be placed more advantageously. A second interesting conclusion is that for the German individuals involved, the changes have resulted in their complete uprooting. Not only have they lost their original homes, to which they will not be able to return, but, with the exception of those few settled within Germany proper, they have now lost their homes of resettlement in territory currently governed by Poland. In general, it appears that the most successful transfer effected during the wartime period was that which took place between Bulgaria and Rumania, permanently settling the dispute between those two countries over the Dobruja.

As Mr. Schechtman himself points out, since original sources are not yet available, he has had to rely largely upon secondary sources for much of his information. Consequently, quite a bit of the material will already be familiar to some readers. In addition, his discussion of each individual transfer leads to some repetition which might have been avoided. However, the book should be of genuine interest to all those concerned with the problem of trying to find solutions for some of the more troublesome aspects of international relations.

D. BEATRICE McCOWN.

Bryn Mawr College.

Dokumenty Ministerstva Inostrannykh Del Germanii. Three volumes, published by the Archives Administration of the Ministry of Foreign Affairs of the U.S.S.R. [Moscow: Gospolitizdat. 1946. 1 r. 50 k., or \$0.50, each. Vol. I: *Germaneskaya Politika v Vengrii (1937-1942 g.g.)*,

pp. 160; Vol. II: *Germaneskaya Politika v Tursiti (1941-43 g.g.)*, pp. 143; Vol. III: *Germaneskaya Politika i Ispaniya (1936-1943 g.g.)*, pp. 184.]

These three slender volumes present a number (totalling one hundred and thirty-eight documents) of valuable materials for the study of German policy between 1936 and 1943. The preface to the first volume states that they represent a part of the German Foreign Office materials which are in Soviet hands and that the examination of the materials "is continuing." The basis of selection is not stated, and the research worker will be greatly disappointed at the scattered character. In numerous cases, important contemporary questions of policy are not mentioned; in others, documents referred to by number and date in the published materials have not been included. The technical identification and presentation of the individual documents has, however, been carried out with much care.

The documents have been presented in Russian translation. For purposes of research, it would be preferable to have the original texts with or without an accompanying Russian version. From the photo-reproductions of original texts which have been included, one can assume that the translations have been done with care. However, in one place "innere Empfindlichkeit" has been translated as "excessive nervousness" ("chrezmernaya nervoznost") (III, 172).

The documents concerning Hungarian policy show that from March to August, 1938, the Hungarian government was extremely anxious, with German and Italian support, to assure the neutrality of Yugoslavia in the event that Hungary should join with Hitler in an attack on Czechoslovakia (I, 17-83 *passim*). In April, 1938, the Hungarian negotiators apparently believed that Hitler would allow Hungary to recover from Czechoslovakia all the territory which formerly had belonged to the Crown of St. Stephen (I, 51).

On July 24, 1939, Count Teleki proposed that Hungary enter into detailed negotiations with Germany and Italy to formulate concretely Hungary's ties with the Axis; at the same time he stated that Hungary would not join in any military action against Poland (I, 102-104). In July, 1942, Hungarian diplomats were called to order for their loud talk of a war to recover southern Transylvania from Rumania, following the presumed German victory over Russia (I, 139 ff.). Other documents show that the German authorities followed closely the trends in Hungarian public opinion and hint at German efforts to obtain from Hungary a greater war effort on the eastern front.

The documents relating to Turkish policy illustrate the efforts of the Turkish government to maintain its neutrality and to avoid invasion, as, for example, in the negotiations which led up to the signing of the German-Turkish agreement of July 18, 1941 (II, 32 ff.). Private and semi-

official Turkish soundings with regard to the future of the Turkic peoples in Nazi-occupied Russia take up a large part of the volume (II, 34 ff., 40 ff., etc.). However, when more authoritative inquiries were made concerning Germany's plans for the future organization of the trans-Caucasus, von Papen was ordered to avoid all discussion of this subject (I, 116 ff.). In December, 1942, von Papen readily secured from Berlin five million gold Reichsmarks "to support our friends" in Turkey (II, 131). The volume contains no material concerning the Straits and, despite numerous Turkish expressions of fear of Soviet victory, shows an official Turkish policy of clinging to neutrality.

The volume on Spanish policy opens with the text of the Italo-Spanish agreement of November 28, 1936 (III, 7 ff.). Between April and July, 1938, the question of keeping the Nazi "Condor" Legion in Spain was under discussion (III, 21-44), the Franco government claiming that without its help it could not win the civil war. It was finally decided to maintain and reinforce the Legion at the same time that continued playing with the Non-Intervention Committee in London was to be utilized to gain time for Franco while throwing a sop to the scruples of the Chamberlain government by agreeing to discuss the ways and means of determining whether foreign troops were present in Spain.

A telegram of June 28, 1941 (III, 84 ff.), explains that Serrano Suñer had hastened to inform the German ambassador of Franco's decision to send the Falangist "Blue Division" to the Soviet front in order not to give the Spanish military authorities any opportunity to oppose a step which they regarded with great misgiving. Light is thrown on Spanish and Portuguese attitudes toward neutrality by a detailed report (III, 91 ff.) of the Suñer-Salazar meeting at Seville in February, 1942. In February of the preceding year, as his price for entering the war on the side of the Axis (III, 71 ff.), Franco had asked for French Morocco as well as Gibraltar and large deliveries of military supplies; from the isolated document presented here, it is not clear whether this was a genuine bid or whether Franco was trying to postpone the decision because of his dependence on overseas supplies controlled by British navicerts.

In February, 1943, in return for increased German deliveries of armaments, Franco promised that Spanish territory in Europe and Africa would be defended in case of Allied invasion (III, 159 ff.). He had already made it clear that he greatly preferred a compromise peace to an outright victory by the Allies and described his efforts to arouse suspicion in England and America of Soviet motives and plans (III, 144 ff.). These efforts were apparently received with some sympathy by Sir Samuel Hoare, but were firmly repudiated in London (III, 167 ff.). The few documents relating to economic warfare in Spain show that by November 1942, the Germans were hard put to assure a continuing flow of strategic

materials (III, 127 ff.), while by April of the following year (III, 170 ff.) the economic pressure of the Allies was having a very marked effect on the German production effort.

The selection of documents contained in these three volumes leaves an impression of their having been chosen in haste, with an eye to the current political effect. It is to be hoped that subsequent publications will be on a broader scale, offering an adequate basis for scholarly analysis.

PHILIP E. MOSELY.

Russian Institute of Columbia University.

Kein dritter Weltkrieg: die Kunst des Staatsmannes in der bevorstehenden Friedensperiode unter Berücksichtigung der übereinstimmenden Weisheitsprüche von Goethe, Emerson, Nietzsche. BY ALFRED ROSENTHAL VON GROTHUSS. (New York: Friedrich Krause. 1945. Pp. 211. \$2.75.)

This book, written in the form of letters to General Smuts, contains critical essays on Henry A. Wallace, Thomas Mann, Hugh Dalton, Anthony Eden, Sir Stafford Cripps, Sumner Welles, Hugh Gibson, Herbert Hoover, and other more or less democratic thinkers. On the other hand, Goethe, Emerson, and Nietzsche appear in the company of Caesar, Heine, Disraeli, Spengler, the late President Franklin D. Roosevelt, and others, to defend a conservative program. This program rejects the ideals of security and pacifism, equality of sexes and nations, parliamentarism and mass democracy, labor rights and socialism, as well as chemical therapies, modern diet, and comfort. It demands the formation of an empire of all the white races and their colonies with the exclusion of the Russians, who, despite some sympathy for Stalin's allegedly un-Bolshevistic régime, are treated as properly belonging to the colored races.

Without approving of anti-semitism, Grotthuss nevertheless resents the fact that "ambitious Jewish intellectuals, who have never worked with their hands, allow themselves to be elected as representatives of radical labor parties in the parliaments of some countries" (p. 15). In other words, a Rosenthal should not do what a Rosenthal von Grotthuss might do. The concept of a master race is openly expressed in these words: "The world wants to be held in check by a race which is decided and able to play the lord and master, which possesses the mightiest spiritual potential, the highest discipline of the mind, and the soundest biological instinct" (p. 191). The mere suggestion of treating "the defeated Germans as the defeated Japanese" is called a "fantastic plan" (p. 151). "It is unthinkable that the white race, which at present achieves admirable deeds of war, should be cheated out of the fruits of victory through the 'humanity' of their statesmen: then our children or grandchildren will be exposed to the savage thirst of revenge by the humiliated Japanese tigers" (p. 144). Only a National Socialist victory, Grotthuss

adds (p. 147), would be worse than Japanese world domination (although that appraisal does not seem consistent with his evaluation of the white and colored races). Finally, as another Sallust, he asks repeatedly for another Caesar (see pp. 11-12, 180-184, and 206).

Despite its reactionary elements, Grotthuss' realism in some instances presents a corrective for liberal self-complacency, hypocrisy, and utopianism; but he, the pessimistic critic of liberalism and socialism, in turn, would probably profit by studying his political opponents with more sympathy.

HELMUT HIRSCH.

Roosevelt College and University of Chicago.

From Max Weber; Essays in Sociology. TRANSLATED, EDITED, AND INTRODUCTION BY H. H. GERTH AND C. WRIGHT MILLS. (New York: Oxford University Press. 1946. Pp. xi, 490. \$5.00.)

This volume contains two parts—an analysis of the personal and intellectual orientation of Weber and nearly three hundred pages of translations of Weber's writings. The translations include Weber's "Politics as a Vocation," pp. 77-128, and "Power," pp. 159-264. Included under "Power" are "Structures of Power," "Class, Status, Party," "Bureaucracy," "The Sociology of Charismatic Authority," and "The Meaning of Discipline." Part III contains a translation of Weber's writings on "Religion" and Part IV on "Social Structures." Important notes are also given, pp. 445-467.

Perhaps the most useful section of the volume is the personal and social analysis of Weber by Professors Gerth and Mills. The valuable biography of Weber by his widow (*Max Weber: ein Lebensbild*) has been available for some time (1926), but this new analysis, psychological and intellectual, will be found very useful as a key to an understanding of the ideas of a writer often difficult to comprehend. The writers are to be congratulated upon their achievement in delineating the perspective of Weber's personal and intellectual life, in itself a fascinating study. On the personal side, his life was an "oscillation between neurotic collapse, travel, and work." On the political side, they describe his wanderings from German national liberalism back and forth through a series of challenging situations, including his relations with the Kaiser, the Social Democrats, World War I, and the German revolutions, both democratic and bolshevistic. On the side of intellectual orientation, one of the most useful contributions of the writers is their brief but suggestive examination of Marx and Weber, with attention to Hegel, Nietzsche, and Dewey.

Obviously, this is not the occasion to discuss the social and political philosophy of Weber. A man of vast erudition, penetrating analysis, synthetic tendencies, he sought to build more deeply and broadly the founda-

tions of general social science. He undertook to present systematically the structures and activities in the social field. In this respect he was the successor of Herbert Spencer and the other great generalizers in this broad area. He seemed equally at home in the realm of religion, economics, politics, past and present, and in the interrelating of these fields made contributions of very great value.

To students of politics in the narrower sense of the term, probably the most interesting parts of Weber's philosophy are those dealing with bureaucracy and leadership, ("charismatic authority," in the terminology of Weber). But a really greater contribution was the place of the political in the total social structure. In this respect, his inquiries merit the continuing study of scholars who wish to avoid the narrowing effects of overspecialization. It may be said that Weber was often obscure and sometimes erratic, but he was always challenging and stimulating and always moving in the direction of clearer understanding of social interrelationships.

CHARLES E. MERRIAM.

University of Chicago.

The Divine Right of Capital. BY C. E. AYRES. (Boston: Houghton Mifflin Company. 1946. Pp. viii, 214. \$3.00.)

This less technical treatment of materials discussed by Mr. Ayres in *The Theory of Economic Progress* (Chapel Hill, 1944) might more appropriately be entitled "An Economic Program for the Future." Although the author carries out his analogy of "Absolute Capitalism" and "Limited Capitalism" to absolute and limited monarchy in Parts I and III, he is primarily concerned with an economic program under a regulated capitalism which will insure full employment, eliminate under-consumption, avoid economic instability, and provide for the maximum satisfaction of economic wants. These objectives could be accomplished, Mr. Ayres believes, by a governmental program utilizing such devices as high progressive taxation, public spending, an expanded social security system, and the like.

Although Mr. Ayres is convinced that "absolute capitalism" is doomed, he is optimistic in his hope that "limited capitalism" provides the best solution to twentieth-century economic problems. He is emphatic, however, in his contention that the only alternative to "limited capitalism" is a violent social and economic upheaval. In this regard he draws an analogy between "limited capitalism" and the English Revolution of 1688, and another between any refusal of "absolute capitalism" to yield and the French Revolution and its consequences.

In his economic and political beliefs, Mr. Ayres aligns himself with writers like the late Lord Keynes, Sir William Beveridge, and Professor

Alvin H. Hansen. Hence, his book is an excellent antidote to nonsense fed the public by lurid prophets like Hayek and von Mises, who regard every government regulation as another step in the march to Buchenwald. It is to the credit of Mr. Ayres that he acknowledges the dangers of excessive state activity, but it is equally to his credit that he depicts the dangers inherent in a corporate collectivism parading under the banner of free enterprise and shouting "liberty" in a most unrevolutionary sense.

Although special students of politics and economics will find Mr. Ayres' earlier work more useful, *The Divine Right of Capital* is of general value as illustrating the author's application of instrumentalism in evolving a theory of value and proposing a comprehensive economic policy. Students of politics, of course, will rejoice in Mr. Ayres' effort at restoring economics to the nobler science of political economy.

ROBERT J. HARRIS.

Louisiana State University.

Marxism and the Democratic Tradition. BY A. LANDY. (New York: International Publishers. 1946. Pp. 204. \$2.00.)

Unfortunately, the book promised by Mr. Landy's title still remains to be written. Just as only the most devoted of Marx's followers will insist that his doctrines are identical with those of democracy, so only the most bigoted of anti-Marxists will deny that there is a connection between them. The need for a critical examination of the relationship is great, not only for academic clarification, but particularly in the light of the concrete international situation now existing in which the claims of the United States versus the Soviet Union are as commonly as not presented under the guise of a struggle between democracy and dictatorship.

But unfortunately Mr. Landy does not address himself directly to the point. The first three quarters of his book are taken up with a rather well-written, but necessarily cursory, summary of European and American history, in the course of which the middle-class revolutions which ushered in the period of representative government are subjected to the characteristically Marxist interpretation. It is not my purpose to quarrel with the interpretation, but only to point out that there is nothing particularly new about it. It has already been popularized by Strachey, Laski, and others, and Mr. Landy has added very little in the way of new data or insight. In substance, this interpretation is that the democratic ideology arose as a by-product, as it were, of the struggle of the bourgeoisie to emancipate itself from absolutist or feudal control. In each country the bourgeoisie found it necessary to enlist the support of the masses—hence the use of democratic slogans and the emergence of a democratic philosophy; and in each country the bourgeoisie, mindful of property, found it possible to arrest the revolution, once a modicum of political (as distinct from economic or social) democracy had been attained.

Only in the last chapter of the book does Mr. Landy actually get down to the matter at hand. And one wishes that he had done so earlier; for though many will not agree and non-Marxists will doubtless consider the argument non-conclusive, the author makes a number of points which are provocative and stimulating. In this section, he takes up a number of alleged points of difference such as the concept of property, the right of revolution, and the class struggle, and skilfully argues that even in these areas there is substantial identity of outlook between Marxism and the democratic tradition.

HILDEN GIBSON.

University of Kansas.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

A military program for America's pending peace is outlined in a forceful way by George Fielding Eliot in *The Strength We Need* (Viking Press, 1946, pp. 261, \$3.00). According to Mr. Eliot, the world is now at war with war itself, but is handicapped by the fact that the establishment of a world organization in a complete and effective form is not possible in the immediate future. We therefore are now living in a period of paradox; a time when we prepare the peace and at the same time maintain arms. During this period, the securing of peace depends upon the rule of law backed by military sanctions. In determining how this campaign against war shall be conducted, Mr. Eliot first examines the military conditions of the postwar world, the relations between the great military powers, the demands of the United Nations Charter, the effect of the atomic bomb upon world security, and the different basic elements of American strategy. The military program that the United States should adopt and the strength of the armed forces of the United States that will be necessary are then outlined no less graphically. Mr. Eliot maintains that: (1) our air power must be superior to that of any other nation, or any conceivable hostile coalition, subject to such agreements as we may make with the nations of the British Commonwealth for combined action; (2) sea power must be superior to the same degree as air power; (3) the Regular Army must be large enough to protect all bases from sudden attack and to conduct any "follow through" operations that are a part of modern warfare; and lastly, (4) the citizens' forces must be adequate for defensive purposes within home territory. Universal military training geared to modern needs and the vital character of scientific research is also emphasized. Although Mr. Eliot's conclusions are highly controversial, there is no doubting the fact that if peace must be maintained by force, his program will give the United States overwhelming power. On the other hand, there is no escaping the tremendous burdens it would place upon

the American people. He admits that "more than this we cannot hope to do, either from the point of view of getting the men or from that of budgetary limitations." Also one might consider the enervating effect such a program would have upon our entire social and economic structure. Lastly, while Americans believe that this force would be used only in a proper way at a proper time, there might be some difficulty in convincing others that we do not want to rule the world.—R. S. RANKIN.

The current headlines indicating the wide spread of "direct action" by municipal employees—even to the point of strikes and threats of strikes—to obtain a review of their grievances and salaries makes the publication of Charles S. Rhyne's *Labor Unions and Municipal Employee Law* (Washington: National Institute of Municipal Law Officers, 1946, pp. 583, \$10.00) particularly pertinent. The volume will be looked on as a definitive study of the legal aspects of the union organization and bargaining activities of municipal workers as of 1946. Mr. Rhyne has included state statutory and municipal ordinance prescriptions, court decisions, and opinions of corporation counsel and city attorneys on all aspects of employee unionizing activities and other relevant practices. A unique value of the volume is the inclusion in full of many court decisions, as well as of legislative enactments. No aspect of this controversial field, which is one of the most significant in the whole range of municipal government, is ignored. It would have been extraordinarily helpful had the able and learned compiler of this volume included more of his own analysis of the problems in government-employee relations. The broad issue of the right of employees to organize unions of their own choosing is treated only in terms of legislative enactments and court decisions; the broader questions of public policy and administration—which are bound to become increasingly important in the years ahead—are hardly touched upon. Even in the absence of critical analysis, however, the volume fills a long-felt need—and a major gap in the literature.—PHILLIPS BRADLEY.

The interrelated problems that grow from the privately owned airlines, the publicly owned airports, and the need for an adequate public policy in transportation are surveyed by Lynn L. Bollinger, Alan Passen, and Robert E. McElfresh in *Terminal Airport Financing and Management* (Harvard University Press, 1946, pp. xiv, 385, \$4.25). The volume is a product of the Division of Research of the Graduate School of Business Administration at Harvard University. The data on which the study rests were accumulated from operating terminal airports, and it is supplemented by careful analysis. The generalization may be made on the evidence herein presented that most terminal airports, whether large or small, are not doing very well financially. The explanation rests in the

complicated issues inhering in the problems and in the conflicts of interest and of purpose in the organizations that coalesce in the operation of the airport. The authors conclude their investigation with the conviction that such terminals can be made self-supporting if they are considered as public utilities and follow a proper plan of developing revenues. Their main proposal looks toward a separation of the functions within the airport. The maintenance of the landing field and related services should remain in public hands. The operation of those services connected with the terminal building that need the incentives of business management should be undertaken by a corporation owned jointly by the airlines. The proceeds from those activities should be utilized to reduce the costs of operating the landing fields. Students of local government and public administration will find the discussion of varieties of local agencies to be traditional. Those who are faced with the practical problems of supervising the operation of an airport will find the data, experience, and proposed standards of great assistance in determining the quality of their own administration. The greatest usefulness of the volume lies in the latter field, as was intended.—CHARLES B. HAGAN.

The Legislative Process in Alabama: Recess and Interim Committees (Bureau of Public Administration, University of Alabama, pp. iv, 43, 1946) is the fourth publication in a series of studies of "The Legislative Process in Alabama." All of the studies were made by Dr. Hallie Farmer, professor of government and history, Alabama State College for Women. The earlier studies covered *Legislative Apportionment* (1944), *Local and Private Legislation* (1944), and *Standing Committees* (1945). Taken together, the four pamphlets represent an admirable beginning of a comprehensive study of a state legislature and the accompanying legislative problems. Dr. Farmer should be encouraged to continue her problem-by-problem attack. The series is valuable as an intensive analysis of a single legislature, and also in that it points up the problems inherent in studies of state legislatures generally. In the current publication, Dr. Farmer extends her investigation of the committee system to the recess (1903-39) and the interim (1939-45) committees. Both are types of legislative study committees, created by the legislature to function as investigatory, planning, and drafting agencies during the recesses or interims within legislative sessions. The two types are to be distinguished by reason of a constitutional change pertaining to the length of the legislative session rather than by differences in functions. The one is the successor to the other. Dr. Farmer studied the organization, composition, functions, costs, and effectiveness of these committees over the forty-two-year period. An implicit conclusion is that, with the legislature organized as it now is, the committees are indispensable legislative tools. She con-

cludes, however, that their effectiveness could be improved by (1) better coördination with the corresponding standing committees, with an increase in the number of committees, and a greater spread over the total legislative membership, (2) better coördination of the work of the committees, (3) more careful scheduling, (4) improving or abolishing the committee of the whole (a special reporting procedure), and (5) strengthening the research and clerical staffs. These studies have been painstakingly made, the committees analyzed in great detail, and the report, although relatively short, presents the author's findings and conclusions clearly and in enough detail to be a welcome addition to the recent studies of state legislatures.—HAROLD M. DORR.

The title, *Fair Employment Legislation in New York State* (International Committee of the Young Men's Christian Association, 1946, pp. 48, \$0.50), raises hopes for an appraisal of New York's pioneer efforts, only to leave them unfulfilled. Instead of the analysis and appraisal eagerly awaited by many, this pamphlet presents a brief history of anti-discrimination legislation in New York State, a summary and text of the Fair Employment Statute, a digest of arguments made for and against the legislation, summaries of two recent United States Supreme Court decisions forbidding labor unions to discriminate against workers solely on the basis of race, color, or creed, a brief bibliography, and suggested materials for further reading. The pamphlet is admirably designed for use by adult discussion groups. Of special interest is the manner in which the groundwork was laid for the legislation. Instead of legislative hearings of the usual sort, a Temporary Commission against Discrimination appointed by the governor traveled over the state holding hearings that resembled town meetings. All who had anything to say were urged to speak, and several thousand availed themselves of the opportunity. Although the Commission found discrimination to be a "most controversial and emotional subject," the discussion was temperate and dignified. The editors believe that this widespread participation improved the statute itself, allayed misunderstanding, facilitated enactment, and helps ensure effective enforcement. Here is a new technique for democratic participation in policy-formation that might well be tried elsewhere.—JOHN H. FERGUSON.

A recent and significant development in "applied" political science is dealt with in the eight brief papers by as many different authors published as *The University Bureaus of Public Administration* (Bureau of Public Administration, University of Alabama, 1946, pp. v, 87). With one exception, these papers were originally presented at round table sessions at the March, 1946, meeting of the American Political Science Association. Limitations of time and space obviously made impossible more than a

cursory survey of a few of the problems faced in the organization and operation of these agencies which now exist in twenty-eight American universities. Nevertheless, the reviewer found them without exception well-informed and, in the case of one or two, thoughtful and suggestive as well. To the general political scientist—if there be such a person—the discussions of public administration as a special field, public administration and related fields, and the school of public administration as an answer to special needs, by Messrs. Fesler, Egger, and Upson, respectively, have particular value. Such persons, as well as those directly engaged in bureau work, should be interested in Mr. Egger's conclusions to the effect that "the type of research which has traditionally been carried on by university bureaus of public administration is now being done much better, and in vastly larger quantities, by other agencies for which it has a definite cash-in-hand value as a part of the technique of running the business," and that "in the long run a stable basis for a true applied science of public administration must be painstakingly erected upon the synthesis of the disciplines and professions which are involved in the execution of the public business."—LANE W. LANCASTER.

Personnel Problems Affecting Social Scientists in the National Civil Service (Pamphlet 1, Social Science Research Council, 1946, pp. iv, 35), by Lloyd M. Short, is the result of a study made during the summer of 1944 at the request of the Committee on Public Administration of the Social Science Research Council. Professor Short has examined the general nature of positions in the federal service open to social scientists, the recruitment, examination, and certification of social scientists, the classification and compensation of social science positions, and the nature of the careers open to individuals with social science preparation. One section is devoted to questions regarding pre-entry training, in which the most important suggestion appears to be that calling for a broad, rather than a specialized training, in the social studies. The report's conclusions indicate the nature of criticism of present conditions. Professor Short asks for additional financial support for the Civil Service Commission. He suggests that staff members of the Commission charged with classification and selection duties involving scientific and professional personnel be persons of recognized competence in their special subject-matter fields. He suggests that the preparation of social science class specifications and allocation standards be undertaken rapidly. The use of general registers with subject-matter options should be continued and explored further. Greater emphasis should be laid on post-entry training, using various devices. To aid in the achievement of these ends, Professor Short recommends the appointment by the Civil Service Commission of an advisory committee for the social studies.—LEE S. GREENE.

In their *Gubernatorial Elections in Pennsylvania, 1922-1942* (Pennsylvania Municipal Publications Service, State College, Pa., 1946, pp. 64, \$1.00), H. F. Alderfer and Fannette H. Luhrs have presented a statistical analysis of the six gubernatorial elections held in the state during the period covered. The study will be of primary value to those who have a particular interest in the internal politics of Pennsylvania; however, for the general study of political behavior under the varying influences which characterize the different regions of the state it will serve as a rich source of information. The study abounds in election statistics and graphic representations designed to show the fluctuations in the strength of the two major parties throughout the period in the state as a whole, by geographic regions, and by individual counties. The consolidated strength of the minor parties, which at their peak accounted for twenty per cent of the total votes cast in the election of 1930, is also given. The study will be of greatest significance to those who are acquainted with the dominant internal issues in the various campaigns and the general history of the state during the period. From the standpoint of general interest, the primary deficiency, inherent in a work of such specialized and limited scope, is the lack of any relationships established between the raw election statistics and the contemporaneous issues. The present study is a companion work to *Presidential Elections by Pennsylvania Counties, 1920 to 1940*, published in 1941 as Number 10 in the Pennsylvania State College Studies.—CLIFFORD R. RADER.

Books which provide cases selected from the Supreme Court Reports for supplementary reading in courses on American government should be organized primarily to conform to the standard pattern of textbooks. In the next place, they should present some internal coherence of their own. The new collection by C. Gordon Post, Frances P. DeLancy, and Fredryc R. Darby, *Twenty Cases on the Constitution* (Vassar College, 1946, pp. 299), unfortunately meets neither requirement. There is no topical arrangement of the cases; and they are listed in chronological order, with the result that even cases embodying the same issue are placed in different parts of the book. There is no point of departure and no method of reference, either for the instructor or for the student. The introductions which precede each case are well done, though they could be sharpened and pruned with advantage to the student. As much as nine-tenths of the footnotes could be eliminated; for they serve no useful purpose in their context, being citations of statutes for which the student has no concern. The reasons given in the preface for the choice of cases explain but do not counterveil the failure of the book to come into focus. While it is true that "cases are not decided in a vacuum," nevertheless "beauty of judicial statement" is not a reliable guide to the study of a constitutional system of government.—P. T. FENN, JR.

The Congressional Career of Thomas Francis Bayard, 1869-1885 (Georgetown University Press, 1946, pp. x, 362, \$2.50), by Charles Callan Tansill, is written from the sources and meets the other tests of scholarship. It brings into clear light the character and work of this Delaware Democrat of distinguished family who was of the small minority of United States senators who ranked as post-Civil War statesmen. The author probably adds nothing to his reputation as a scholar by three times indicating (pp. 28, 307, 310) that Bayard was not a New Dealer. But Professor Tansill is not to be criticized for finding the Senator right on practically every question. Bayard fought Radical Reconstruction and led in every effort to restore the South to full fellowship in the Union; he opposed Grant's Dominican misadventure; he stood for sound finance; he denounced high tariffs; and he took a national and nonpartisan view of the issues of his time. Three times (1876, 1880, and 1884) Bayard was a serious but unsuccessful contender for the nomination for president. He failed to win the nomination because he had no organization, scorned to make any deals, and because he had been such a devoted champion of the South and so friendly with Southerners that many party leaders, including some in the South, feared that his nomination would be taken as a bold bid by the late rebels for a return to power. The author states perhaps without giving full consideration to the use the opponents could have made of that very handy garment, the "bloody shirt," that had Bayard been nominated in 1880, "he would have been elected president" (preface). There is less doubt that Bayard belongs on that very short list of public men who "would rather be right than president."—CLAUDIUS O. JOHNSON.

With *For This We Fought* (Twentieth Century Fund, pp. x, 123, \$1.00), Stuart Chase concludes his series of six volumes printed as a report to the Twentieth Century Fund on "guide lines to America's future." The book is not written for readers of this REVIEW, nor for their students, and is not a systematic treatise. "Designed to provoke thought and to stimulate discussion," it starts with miscellaneous information on the wants of returning servicemen and of civilians, concluding that both groups want primarily the same thing, economic security. Referring to the productive miracle of the war period, Mr. Chase states that the same high level of production should be possible in peacetime. "Prosperity follows activity," and to achieve this he advocates government planning to smooth out the business cycle, especially by compensatory financing, plus governmental activity to insure high wages, social security, housing, and settlement of labor disputes. Turning to international affairs, Mr. Chase regards our treatment of Germany as "economic lunacy," and mentions that "troubles keep exploding all around the Seven Seas." Atomic fission has introduced a new era which requires our leaders to "exercise their brains

to an unwonted degree." Specifically, Mr. Chase urges that we be made continuously aware of the effects of the atom bomb. There should be a regular exhibit, say every six months, of an atomic explosion, and attendance at an explosion should be made a compulsory prerequisite for election or appointment to high office anywhere.—DAVID O. WALTER.

In *Frontier on the Potomac* (Macmillan Co., 1946, pp. 262, \$2.75), Jonathan Daniels adds an important item to the growing literature of what we may call the folklore of bureaucracy. Mr. Daniels, an "anonym"—that weird official conceived in the womb of public administration and sired by political scientists—was in an enviable position to study the genus *homo politicus* at the beginning of the atomic age. Unfortunately, his confidential duties have obviously limited his freedom, for to have written freely would have placed the author in his own category of those who "kiss and tell." Within these limitations, Mr. Daniels has written an engaging book. It is a picture of little men from little places engaged in gigantic undertakings in the vacuum left by the death of a great leader. Not inappropriately, these little men at the swollen county seat on the Potomac are headed by the former county judge of Jackson county, Missouri. Reading *Frontier on the Potomac* may arouse a faint nostalgia in the breasts of many former Washington political scientists who are restless in their cloisters. The volume is refreshing, for it reveals much about big government without using "gobbledygook"—no mention of "coördination," "integration," or "over-all" in the jargon of vocabulary-starved organization specialists. Close to the core of government, it is wholesome reading for more literate political scientists and especially students of bureaucracy.—JASPER B. SHANNON.

Much information concerning a variety of things can be had by reading Charles G. Bolte's *The New Veteran* (Penguin Books Inc., 1946, pp. 192, \$0.25). Whether viewed as an account of the origin, evolution, and objectives of the American Veterans Committee, which in the last analysis it is, or as a congeries of subjects—particularly autobiography of the author, analyses of the major old-line veterans organizations, pleas for the need for full employment or for world peace with a dominant world government, the reader will find much to interest him. It is questionable, however, as to how sustained that interest will be, inasmuch as clear lines of integrating principle are obscure. Given the assignment, it is incumbent upon the reviewer to note the strengths and weaknesses of the work. The provocative sincerity of the author and the fervor with which he writes are the greatest points of strength, the historical portions—the autobiography and the narrative of the development of the American Veterans Committee—far outshining the rest. The defects consist in the tacit as-

sumption of dichotomies so patent as to need no explication. Finally, the author should ponder the dynamics of politics with an eye to the paradoxes therein which always serve to rap the knuckles of the glib predictor within that domain who dares to posit completed results in advance of history. Some interesting appendices and an adequate index are attached.
—CHARLES W. SHULL.

Reorganization of Michigan's County Government (Bureau of Government, University of Michigan, 1946) is designed to bring to the attention of citizens the general outlines of Michigan county government, its defects, the attempts to reorganize it, and finally an analysis of various alternative methods of improvement deemed possible. A significant conclusion is reached—that progress must come as a result of a long-range program. The electorate has already indicated reluctance to accept revolutionary change; a thoroughgoing reorganization involves constitutional amendment and subsequent electoral action. In the meantime, less drastic steps are recommended. Laws might be amended to allow greater scope for the establishment of county civil service, inter-county coöperation, and the abolition of line offices. Likewise, boards of supervisors could be given power to develop the offices of county clerk or county controller into the position of a virtual manager. In this way, a county executive could evolve without the drastic change that would be required to establish the office of county manager. The pamphlet closes with the suggestion that initiation of effort along these lines should be accompanied by an educational program throughout the state. The reviewer, having experienced the common frustration of citizens who wish to improve the structure of county government, heartily indorses this suggestion.—H. F. ALDERFER.

The 1946 version of John M. Pfiffner's *Public Administration* (Ronald Press Co., pp. xii, 621, \$5.00) is billed as a revision of the first (1935) edition, though the job of rewriting has been so thoroughly done as to make of the revised edition almost a completely new book. Not only is the 1946 edition new in writing: it is also a much larger book than the original. It carries seven parts (a completely new one on Planning and Research) instead of five, 37 chapters instead of 24, 611 pages of text instead of 512. Moreover, the text has been completely reset, with the type somewhat smaller than before and the page size somewhat larger. The net result is an expansion of perhaps thirty per cent in number of words. Here, then, is an almost entirely new book, characterized by fresh writing, up-to-date illustrations, and a great deal of new and highly useful material. The second edition of this well-known textbook should win an even wider following than the first.—ROSCOE C. MARTIN.

FOREIGN GOVERNMENT AND POLITICS

American readers now have their choice of three new biographies of Sun Yat-sen. A recent work—jointly written, as it should be—by an American and a Chinese draws upon some of the Chinese published materials and is lent authority by the assistance given the authors by the son of Sun Yat-sen. The result is pleasant reading, valuable for reference or teaching purposes. Since it is as difficult to identify a Chinese who uses a Westernized given name without indicating his actual Chinese *hao* or *tsu* as it is to penetrate the identity of an unknown American when pseudonymous initials alone are given, the senior author of Stephen Chen and Robert Payne's *Sun Yat-sen; A Portrait* (John Day, 1946, pp. 242, \$3.00) cannot be identified; "Stephen Chen" must remain an enigma, until the publisher sees fit to explain him. It is patent, however, that he contributes data from wide though highly selective reading in Chinese-language materials. The junior author, a brilliant young English novelist, performs a masterly job in bringing to life the personality of Dr. Sun—his warmth, his tenderness, his unaffected faith in plain people, his contempt for license masquerading as "liberty." Strictly a biography, the work does not point out Dr. Sun's significant posthumous rôle as the one political theorist who stands at the midpoint between democracy, Stalinism, and militarist conservatism and who can be admired by adherents of each creed. The book carefully skirts the debatable question of who shall play St. Peter to Dr. Sun's Messiahship. There is nothing in the book with which Nanking could quarrel, though the Yenankites might object even to the partial identification of Nationalist China with the ideal government envisioned by Sun (pp. 182 ff.). Chen and Payne apparently did not have access to Bernard Martin's brilliant work, *Strange Vigour; A Biography of Sun Yat-sen* (London, 1944), which supplies a wealth of detail not available elsewhere. The Chen-Payne book will stand as the most moving Western-language biography of Dr. Sun, just as Martin's may remain the richest in narrative, Lyon Sharman's the most critical, and the books by James Cantlie and Paul M. W. Linebarger the ones written closest to their subject. The third book is the first juvenile life of Sun for English-reading adolescents. Entitled *Sun Yat-sen*, it has just been published in New York; and the author is Nina Brown Baker, who has published comparable biographies of other famous men.—PAUL M. A. LINEBARGER.

Belgium's rapid strides toward recovery from her war wounds lend particular interest to Smith Simpson (ed.), *Belgium in Transition* (Annals of the American Academy of Political and Social Science, Sept., 1946, pp. viii, 186). In thirty-two contributions by some forty Belgian specialists, the country's problems in the fields of Liberation and Reconstruction (fourteen articles), Social Problems (eleven), Economic Problems (three),

and International Relations (four) are vividly sketched. The methods used in attacking them in the face of enormous difficulties, the degree of success already achieved, and the remaining tasks are described and discussed. Belgium went at her task with courage and imagination as well as with energy. The fact that she is located at the crossroads, not only of European political life, but also of its economic and cultural currents, makes the present study especially interesting for the student of the general problems of European reconstruction as well as those of particular countries. Political, economic, historical, linguistic, educational, and other viewpoints are blended in this small volume. If not all problems could be included because of space limitations, the reader is grateful for this well chosen selection and the intellectual effort back of it. The variety of tasks faced by the brave Belgians ranged from the job of readjustment of a government-in-exile to the life and stresses of a land from which it had been separated geographically for four long years and the corresponding strains on the part of the local inhabitants, to the changes in party politics, the economic and financial problems of rebuilding destroyed or dislocated industries, trade unions, farms, housing, and public health and educational organizations. Belgian youth, government officials and journalists, Flemings and Walloons, workers and employers, farmers and city dwellers represent their ideas and take stock of their aims and accomplishments. The chapter on "Belgian-American Relations, 1944-45" is almost a model of a concise and readable summary of a big topic—frank, objective, and well-rounded. A reviewer on this side of the water may be pardoned, perhaps, for recalling that half of the first postwar Belgian cabinet members who helped rebuild their country have studied at American universities, with the assistance of the Belgian-American Educational Foundation, an outgrowth of the former Hoover relief set-up for Belgium during World War I.—JOHN BROWN MASON.

Introduction to New Zealand (Historical Section, Department of Internal Affairs, Wellington, N. Z., 1946, pp. 272, \$3.00), like a well handled social introduction, leaves a reader with the feeling that he knows New Zealand, likes it, and wishes to know more about his new friend. This handsome book is forthright, explicit, cordial. A few unpleasant facts (e.g., infant mortality rates) are by-passed, and there are some curious omissions, e.g., the colonial schemes of Gibbon Wakefield. Aided by many excellent photographs, the unnamed authors present the essential information about most phases of New Zealand life. Whether we are learning that ninety-three per cent of New Zealanders have electricity, that Maoris resemble Hopis, that skillfully designed arbitration-conciliation machinery secures industrial peace, or that New Zealand art is attractive and meaningful, we find this book building the impression, without bragg-

docio, that New Zealand is a young, wholesome, superior country—
GARLAND DOWNUM.

INTERNATIONAL LAW AND RELATIONS

The select circle of people endowed with a scholarly interest in the history of international law will find Hans Klee's little book, *Hugo Grotius und Johannes Selden* (Bern, Verlag Paul Haupt, 1946, pp. 70) a worthwhile contribution, as it throws some light on an early controversy concerning the freedom of the sea. It is only natural that Grotius' great classic, *De jure belli ac pacis*, should have overshadowed his less erudite earlier works. This is especially true of his *Mare liberum*, which he published in 1609 at the age of twenty-six, and which became, much later, a chapter in his *De jure praedae*. The lack of attention which *Mare liberum* has received is perhaps not entirely undeserved, for Grotius himself admitted that he had written something of a political pamphlet "with the greatest love of his country, but when young in years," apparently in support of Dutch commercial interests in the freedom of the sea. On the other hand, it would seem obvious that the Englishman John Selden was not unmindful of similar patriotic motives when he published his *Mare clausum* twenty-six years later. It is perhaps ironical, though altogether logical, that Grotius' compatriot, William of Orange, took Selden's side of the argument after he had ascended the English throne. Of the two, Selden's work was undoubtedly the more logical and learned; yet Grotius' doctrine prevailed in the long run. But both Grotius' argumentation and especially Selden's antiquarian approach have little connection with the modern problem of the freedom of the sea. The author can therefore be forgiven for not having brought the arguments of those great antagonists into sharper focus with each other.—ROBERT G. NEUMANN.

War Crimes; An Attempt to Define the Issues (London: Stevens and Sons, 1945, pp. viii, 108), by Dr. Manfred Lachs, was written before the conclusion of the Agreement for the Establishment of an International Military Tribunal and its charter. The author, therefore, does not take account of the expanded jurisdiction which was later given to that Tribunal, but deals exclusively with war crimes *stricto sensu* and their punishment. He apologizes for the "many shortcomings" of his work, "written under the strain of active military service." So slight a treatment adds very little to our knowledge of a subject about which a tremendous literature has already accumulated. Its greatest usefulness will be to supply a convenient summary of the law for military officers.—LAWRENCE PREUSS.

POLITICAL THEORY AND MISCELLANEOUS

The South can claim credit for some of the best work being done by political scientists in America. But it also has to admit to a lot in which it

can take no pride. No doubt Robert S. Rankin intends to tell both sides of the story in his *Political Science in the South* (Bureau of Public Administration, University of Alabama, 1946, pp. 61), but it seems to me that his facts and figures highlight the shortcomings rather than the strength of the Southern political scientists. His account is confined to what may be called institutional political science—faculty and courses in colleges and universities, graduate instruction, size of college and university libraries, etc. The South has civic leaders, and even office-holders, who rise to the level of statesmanship; it has what I suspect is more than its quota of journalists who write with insight and discrimination on public affairs and the facts of political life. They do not fall within the purview of this booklet. University bureaus established for research and public service are mentioned and the general nature of their activities is indicated. Mr. Rankin approves of them and recommends more of them. But in my opinion he fails to give them the credit to which they are due, either in terms of their relation to civic affairs in the South or in terms of their relation to similar university activity in other parts of the country. You can name a lot of Northern state universities before you come to one that shows the concern for public and civic affairs that distinguishes the University of Alabama or the University of Virginia. It must be admitted, however, that whatever one finds to praise about the political science profession in the South is definitely a peak rising above a pretty low and swampy plain. Only 33 of the 219 institutions (including white and Negro teachers' colleges and junior colleges) have separate political science departments; only 32 of 94 institutions which reported on the point permit a man to confine his teaching exclusively to political science, and 17 of these 32 had only one full-time political science teacher; while 22 institutions offer graduate instruction in political science, they have collectively only 61 individuals teaching political science, which suggests (allowing for some departments to have a half-dozen or more faculty members) that there must be some one-man departments giving the A.M. degree. Mr. Rankin reports that "southerners" (college teachers?) produced 70 "volumes" on political science subjects during 1939 to the middle of 1944. Whether all of these were substantial works or many were pamphlets is not indicated; nor are we told to what extent they are concerned with political affairs of the South. Indeed, Mr. Rankin throws very little light on the preoccupations of the Southern political scientists. Are they looking into the manifestations of Southern one-party politics? Are they getting ready to give us the low-down on the political status of the Negro? What does the Negro political science teacher tell his students about the state of democracy in America? These are a part of the story of political science in the South, but they are not in Mr. Rankin's booklet. But neither, for that matter, has such information been disclosed about political scientists in the rest of the country.—CHARLES S. HYNEMAN.

John Dewey's little classic, *The Public and Its Problems* (2nd ed., Gateway Books, 1946, pp. xii, 224, \$2.50), is still a provocative and finally unsatisfying book. Penetrating as are some of the particular analyses, especially the brilliant diagnosis of "the eclipse of the public," it yet fails to be the systematic statement of a pragmatic political theory which the author seems to promise. His familiar definition of the state as "the organization of the public effected through officials for the protection of the interests shared by its members" is at once too broad and too narrow for a definition that purports to be formal and empirical; regardless of Dewey's intention, it is more valuable as a norm than as a descriptive generalization. However, his notion of "the public" as coming into being through recognition of the consequences of actions indirectly affecting its members is a suggestive clue to one factor, at any rate, in the formation of states. In a new, brief introduction, Dewey claims to find support for his analysis in recent events. He sees in the decline of isolationism evidence that an international "public" is developing, and confirmation of his hypothesis that "the scope or range and . . . seriousness of the factual consequences . . . is the determining factor" in the formation of a public. The body of the book is identical with the first edition, published in 1927. A re-reading of the familiar text raises the question why Dewey's influence on American political thought has received so little study. Certainly his influence supported a healthy skepticism about such "intellectual ghosts" as "the state" and "the individual" and the whole "mythology" of "state-forming forces"; he helped to direct the attention of American students of politics away from formalistic *Staatslehre* toward actual institutions and practices; he stimulated the study of institutions and practices in terms of the problems they attempted to meet and encouraged the habit of thinking of them as developing processes controllable by human intelligence. Many of his specific theses and concepts have become common coin among students of politics. It is most unfortunate that there has been no adequate study of his influence, or, in fact, of the positive influence of pragmatism in general upon American political thought.—JOHN D. LEVINS.

The use of tests in determining individual qualities and capacities is in danger of becoming an occult science, with the layman left outside to contemplate an impenetrable barrier of weighted averages, raw percentiles, standard deviations, and unconverted scores. Glen U. Cleeton and Charles W. Mason, in revising their *Executive Ability; Its Discovery and Development* (Antioch Press, 1946, pp. 540, \$4.50), have managed to write a book with rating scales and testing as its central theme which happily subordinates the technical vocabulary to a readable and highly useful discussion of the executive function. Whether or not the reader is interested in tests and testing techniques, he will find here a comprehensive

treatment of the executive in modern business enterprise—as organizer, as leader, as problem solver, as entrepreneur, as a personality, and as a responsible social force. The book is written for business men, but all executives and those who aspire to executive posts can read it with profit whether they are in business, government, or education. With understanding and balance, the writers focus on their subject the light of history, economics, politics, public opinion, and modern psychology. They have drawn generously on relevant materials in these fields; hence there is a good footnote bibliography. The treatment is somewhat repetitive in places, but not seriously so. There are few things as little understood by those coming into a large administrative organization as the nature of executive responsibility. Despite the excellent theoretical contributions made by Fayol, Gulick, and others, there is little in the literature of public administration to help the student understand the characteristics and traits of a good executive. Macmahon and Millett, in their *Federal Administrators*, made a valuable contribution in this area, as did Gaus and Wolcott in their study of the U. S. Department of Agriculture a few years ago. But such studies are few and far between. Perhaps only observation and experience can develop a true “feel” for the nature of executive duties. But careful case studies coupled with such an analysis as that made by Cleeton and Mason can strengthen one of the weaker aspects of our education for public administration.—ROBERT A. WALKER.

Too little attention has been given to the scientific yet sympathetic study of minority groups which have institutionalized their social thinking. Mr. Herbert Stroup has made a valuable contribution to this all-too-neglected field in his well written and penetrating volume entitled *The Jehovah's Witnesses* (Columbia University Press, 1945, pp. vii, 180, \$2.50). The difficulties encountered by an outsider are freely discussed by Mr. Stroup, who, however, manages to convey a highly objective though humanly sympathetic treatment of the institutional developments and arrangements of the Jehovah's Witnesses. Glimpses of internal political and theological disputes make the reader wish that Mr. Stroup had had unlimited access to internal documents. The most fascinating segments of the book are the chapters entitled “The Witness As Believer” and “Attitudes and Relations.” To those interested in government in its widest sense, Mr. Stroup's discussion of “Organization and Finances” will prove particularly helpful. From the point of view of style, the book is well written, exceptionally interesting, and very human. Its format is attractive, and the volume merits a far wider audience than it will probably reach. The American Council of Learned Societies is to be congratulated upon its efforts on behalf of the study. The results certainly justify its faith.—ETHAN P. ALLEN.

Several competent works have already been published which treat Lincoln as a literary figure. Roy P. Basler, however, in his *Abraham Lincoln; His Writings and Speeches* (World Publishing Co., 1946, pp. xxx, 843, \$3.75) appears to be the first to present the combination of a scholarly critical analysis of Lincoln as a writer, together with an unusually well-chosen collection of illustrative examples of Lincoln's writings. The book consists of four distinct parts: a brief preface by Carl Sandburg; a short introduction in which Mr. Basler explains his purpose and defines the editorial plan followed in the selected writings; a critical and able exposition of Lincoln's growth as a writer, in which the author presents an examination of the numerous facets of Lincoln's prose style as well as an evaluation of Lincoln's poems; and the bulk of the work, a carefully edited collection of 247 pieces considered by the author to be the best illustrations of Lincoln's many-sided literary production. Mr. Basler's critical essay is a well-proportioned, adequate study. It serves well as a medium to lead the reader intelligently into the selected material from Lincoln's works. The analysis of Lincoln's style and his growth as a great figure in American literature reveals a mastery of the subject and a warm understanding of Lincoln as a human being, a great mind, and a man of letters. The basis of Mr. Basler's selection is three-fold: literary excellence, historical importance, and "human interest." He has adhered admirably to these guiding principles of choice. The extent of his painstaking scholarship and accuracy is shown by the fact that of the 247 pieces selected, three-fourths have been edited from original manuscripts or photostatic copies of such; and in the case of only 13 of the selections was Mr. Basler unable to locate either the original manuscript or the original printed source.—F. STANSBURG HAYDON.

In *Jean-Jacques Rousseau: Discours sur les Sciences et les Arts* (Modern Language Association of America, pp. 278, \$3.00), George R. Havens has accomplished a four-fold task. In an 88-page introduction, he sketches out the historical background of the famous *Discours* and in the course of his analysis discusses the relation of Diderot to Rousseau's view of progress, personal experiences of Rousseau which cast light on the prize-winning essay, and historical conceptions which question the moral value of the "sciences and arts." The *Discours* is then reprinted in its original form, including title-page and pagination. This is followed by a detailed commentary which, read especially in connection with the introduction, should prove helpful to the student of political theory. Finally, an elaborate 13-page bibliography makes the book still more useful. Both introduction and commentary are in French, and the volume is nicely bound and illustrated. This book might well be on the reading list of every class in political theory.—MULFORD Q. SIBLEY.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Adler, Cyrus, and Margalith, A. M. With firmness in the right; American diplomacy affecting Jews, 1840-1945. Pp. 516. N. Y.: Am. Jewish Committee. 1946.

Anderson, William. The national government of the United States. Pp. 603. N. Y.: Holt. 1946.

Ballinger, W. J. By vote of the people. Pp. 396. N. Y.: Scribner. 1946.

Carlson, Oliver, and Blake, Aldrich. How to get into politics; the art of winning elections. Pp. 210. N. Y.: Duell, Sloan & Pearce. 1946.

Chase, Stuart. For this we fought. Pp. 133. N. Y.: Twentieth Cent. Fund. 1946.

Cooke, M. L., and Murray, Philip. Organized labor and production; next steps in industrial democracy; rev. ed. N. Y.: Harper. 1946.

Cresson, W. P. James Monroe. Pp. 591. Chapel Hill: Univ. of N. C. Press. 1946.

Cushman, Robert E. Leading constitutional decisions; 8th ed. Pp. 402. N. Y.: Crofts. 1946.

Delano, Daniel W., Jr. Franklin Roosevelt and the Delano influence. Pp. 368. Pittsburgh: James S. Nudi Pubs., 1210 Center Ave. 1946.

Eckenrode, H. J. The Randolphs; the story of a Virginia family. Pp. 310. Indianapolis: Bobbs-Merrill. 1946.

Eliot, George Fielding. The strength we need; a military program for America pending peace. Pp. 261. N. Y.: Viking. 1946.

Galloway, George B. Congress at the crossroads. Pp. 383. N. Y.: Crowell. 1946.

Gregory, Charles O. Labor and the law. Pp. 467. N. Y.: Norton. 1946.

Howard, E. L. Must America learn the hard way [socialism]? Pp. 134. Muskegon (Mich.): Author. 1946.

Huberman, Leo. The truth about unions. Pp. 184. N. Y.: Reynal & Hitchcock. 1946.

Johnson, John B. Registration for voting in the United States; rev. ed. Pp. 103. Chicago: Council of State Govts. 1945.

Kennedy, Stetson. Southern exposure. Pp. 384. Garden City. Doubleday. 1946.

Konvits, M. R. The alien and the Asiatic in American law. Pp. 313. Ithaca (N. Y.): Cornell Univ. Press. 1946.

Koop, T. F. Weapon of silence [censorship]. Pp. 315. Chicago: Univ. of Chicago Press. 1946.

Lonigan, Edna. Where is the opposition party. Pp. 22. Chicago: Human Events. 1946.

McIntire, Ross T. White house physician. Pp. 250. N. Y.: Putnam. 1946.

Munro, W. B. The government of the United States, national, state, and local. 5th ed. Pp. 896. N. Y.: Macmillan. 1946.

Nalle, Ovida Ferguson. The Fergusons of Texas. Pp. 287. San Antonio: Naylor. 1946.

Perkins, Frances. The Roosevelt I knew. Pp. 416. N. Y.: Viking. 1946.

Pettes, George S. The future of American secret intelligence. Pp. 129. Washington: Infantry Journal Press. 1946.

Pfiffner, J. M. Public administration; rev. ed. N. Y.: Ronald Press. 1946.

Reid, J. W. The units of government in Alabama. Pp. 27. University (Ala.): Univ. of Ala. 1945.

Sinai, Nathan, and Others. Health insurance in the United States. Pp. 131. N. Y.: Commonwealth Fund. 1946.

Articles

Administrative Law. La revision judicial de la comision industrial de Puerto Rico. *Santos P. Amadeo.* Rev. Juridica de la Univ. de Puerto Rico. Jan.-Feb., 1946.

———. Derecho procesal administrativo. *Adriano G. Carmona Romcy.* Rev. Juridica de la Puerto Rico. Jan.-Feb., 1946.

———. Some comments on the administrative procedure act. *N. L. Nathanson.* Ill. Law Rev. Sept.-Oct., 1946.

Army and Navy. Lawyers and courts-martial. *Delmar Karlen.* Wis. Law Rev. May, 1946.

———. Notes on the unification controversy. *Elias Huzar.* Pub. Admin. Rev. Autumn, 1946.

———. The war department in world war II. *John D. Millett.* Am. Pol. Sci. Rev. Oct., 1946.

———. Courts-martial come to justice. *Sidney P. Simpson.* Harper's. Nov., 1946.

Bankruptcy. The national bankruptcy act and the conflict of laws. *K. H. Nadelmann.* Harvard Law Rev. Sept., 1946.

———. The expansive trend of bankruptcy legislation. *A. J. White Hutton.* Dickinson Law Rev. Oct., 1946.

Bar. The economic status of the legal profession. *Edward P. Murphy.* Lawyers Guild Rev. May-June, 1946.

———. Lawyers in a revolutionary age. *A. N. Hand.* Pa. Bar Assoc. Quar. Oct., 1946.

Business. Thurman Arnold: protector of consumer's interests. *W. W. Hutton.* Univ. of Kansas City Law Rev. April-June, 1946.

———. Legislative amendment of corporation statutes—the Wisconsin problem. *K. K. Luce.* Marquette Law Rev. May, 1946.

———. The constitutionality of the unfair practices acts. *Jeanette E. Thatcher.* Minn. Law Rev. June, 1946.

———. Corporate capital structure under Illinois law. *John F. Partridge.* Chicago-Kent Law Rev. Sept., 1946.

———. Damages and accounting procedure in unfair competition cases. *Harry D. Nims.* Cornell Law Quar. Sept., 1946.

———. Restrictive agreements and practices in the lumber industry, 1880-1939. *Les M. James.* So. Econ. Jour. Oct., 1946.

———. Regulation of fire insurance rates. *R. B. Ely, III.* Univ. of Pa. Law Rev. Nov., 1946.

———. Monopoly on the march again. *Vance Johnson.* Am. Mercury. Dec., 1946.

Civil Liberties. Restoration of civil rights. *E. E. Brossard.* Wis. Law Rev. May, 1946.

———. The outlook for liberty—civil rights in a postwar era. *R. W. Kennen.* Lawyers Guild Rev. May-June, 1946.

———. Freedom of religion in restatement of inter-church-and-state common law. *K. R. O'Brien and D. E. O'Brien*. *The Jurist*. Oct., 1946.

———. Summary of civil liberties cases in the 1945 term of the supreme court of the United States. *Joseph S. Mitchell*. *Nat. Bar Jour.* Dec., 1946.

Congress. The Illinois congressional redistricting case. *F. L. Burdette*. *Am. Pol. Sci. Rev.* Oct., 1946.

Conscription. The differential impact of selective service inductions on occupations in the United States. *Mapheus Smith*. *Am. Sociol. Rev.* Oct., 1946.

Conservation. Bonneville power and labor. *Otto S. Beyer*. *Survey Graphic*. Oct., 1946.

Constitutional Law. Constitutional law cases in the United States supreme court, 1941-1946. *Robert L. Howard*. *Mo. Law Rev.* June, 1946.

———. The leave-it-to-congress trend in the constitutional law of tax immunities. *Margaret Spahr*. *Univ. of Pa. Law Rev.* Nov., 1946.

Crime and Criminal Law. "Documents" in the law of forgery. *J. W. Cecil Turner*. *Va. Law Rev.* Aug., 1946.

———. The art of the jury trial. *Louis Nizer*. *Cornell Law Quar.* Sept., 1946.

———. The beginning and end of attempts and felonies under the statutory felony murder doctrines. *Fred T. Cadmus, III*. *Dickinson Law Rev.* Oct., 1946.

Elections. Will the elections forecast 1948? *Lowell M. Limpus*. *Am. Mercury*. Nov., 1946.

Espionage. Prospects for a national intelligence service. *Sherman Kent*. *Yale Rev.* Autumn, 1946.

Family. Some reflections on *Williams v. North Carolina*; part II. *Gerhart Husserl*. *Va. Law Rev.* Aug., 1946.

———. Digest: chapter V of "The competence of church and state-disputed points." *J. William Goodsmith*. *The Jurist*. Oct., 1946.

———. Recent Pennsylvania cases in remigratory divorces. *Joseph McKeehan*. *Dickinson Law Rev.* Oct., 1946.

Foreign Policy. An American foreign policy for survival. *Émile Benoit-Smullyan*. *Ethics*. July, 1946.

———. The Anglo-American financial agreement and our foreign economic policy. *J. H. Ferguson*. The Anglo-American oil agreement. *Herbert Feis*. *Yale Law Jour.* Aug., 1946.

———. Responsibilities of the United States in the post-war world. *Elbert D. Thomas*. *World Affairs Interpreter*. Autumn, 1946.

———. Friendship now with Latin America. *Lewis Hanke*. *Va. Quar. Rev.* Autumn, 1946.

———. The international court of justice, the senate, and matters of domestic jurisdiction. *Lawrence Preuss*. *Am. Jour. Int. Law*. Oct., 1946.

———. Ideals in American foreign policy. *P. W. Bidwell*. *Int. Affairs*. Oct., 1946.

———. Should the U. S. congress approve the present proposal for a Great Lakes-St. Lawrence seaway? Pro and con. *Symposium*. *Cong. Digest*. Oct., 1946.

———. Influence of armed forces on U. S. foreign policy. *Blair Bolles*. *For. Policy Rep.* Oct. 1, 1946.

———. The foreign economic policy of the United States. *William C. Clayton*. *Dept. of State Bull.*, Nov. 24, 1946.

———. Our diplomatic relations with the vatican. *H. R. Marraro*. *Cath. World*. Nov., 1946.

———. Are we underwriting a poorhouse? *Editors*. *Amerasia*. Nov., 1946.

———. Our European policy. *James T. Shotwell*. *Survey Graphic*. Nov., 1946.

- Foreign Trade.** American cotton policy. *Peter F. Drucker*. Fortnightly. Oct., 1946.
- . The myth of uncle sam. *Editors*. Fortune. Dec., 1946.
- Government Contracts.** Wartime and postwar Pennsylvania contracts, decisions, and statutes. *David Berger*. Univ. of Pa. Law Rev. Nov., 1946.
- Health.** Health education program in Puerto Rico. *Alice M. Johnson*. Am. Jour. of Pub. Health. Sept., 1946.
- Housing.** Public housing in Chicago, 1946. *Wayne McMillen*. Soc. Service Rev. June, 1946.
- . Is the administration's home-building and public housing policy sound? Pro and con. *Symposium*. Cong. Digest. Nov., 1946.
- Immigration.** The immigration laws of the United States—an outline. *A. E. Reitzel*. Va. Law Rev. Nov., 1946.
- Judiciary.** The writing of judicial opinions. *Horace Stern*. Pa. Bar Assoc. Jour. Oct., 1946.
- Labor.** The Wisconsin employment peace act. *Beatrice Lampert*. Wis. Law Rev. May, 1946.
- . The locus of union control in collective bargaining. *Joseph Shister*. Quar. Jour. of Econ. Aug., 1946.
- . Recent decisions of interest to labor. *Mo. Labor Rev.* Sept., 1946.
- . The determinants of full employment. *R. B. Mellon*. Southwestern Soc. Sci. Quar. Sept., 1946.
- . Some aspects of employee democracy under the Wagner act. *Jacob M. Murdock*. Cornell Law Quar. Sept., 1946.
- . Labor and the coöperatives. *Albert Rees*. Labor law: a reconsideration. *Bernard Cushman*. Antioch Rev. Fall, 1946.
- . The way to industrial peace. *Peter Drucker*. Harper's. Nov., 1946.
- . Enemies of production. *Robert R. Young*. Atlantic. Nov., 1946.
- . Married women in the labor force. *John D. Durand*. Am. Jour. of Sociol. Nov., 1946.
- . The duration of certifications by the national labor relations board and the doctrine of administrative stability. *Bernard Cushman*. Mich. Law Rev., Nov., 1946.
- . Objectives and opportunity of the public employment service. *William Haber*. State Govt. Nov., 1946.
- . The labor situation. Anatomy of the labor force. Labor drives south. United steelworkers of America. *Editors*. Something has to be done. *Charles O. Gregory*. Fortune. Nov., 1946.
- . Equal job opportunity. *Malcolm Ross*. Common Ground. Winter, 1946.
- Personalities.** Peter Norbeck and the defeat of the nonpartisan league in South Dakota. *Gilbert C. Fite*. Miss. Valley Hist. Rev. Sept., 1946.
- . Senator Bilbo meets the press. *Editors*. Am. Mercury. Nov., 1946.
- Personnel.** Improving relationships between personnel office and the operating official. *K. O. Warner* and *D. Q. Zook*. The advisory committee on scientific problems. *A. H. Hausrath, Jr.* Personnel policies for scientific work. *M. J. Shear*. Supervisors visit the field. *W. G. Torpey*. The personnel investigation in selection of employees. *Laurence Lipsett*. Doing something about efficiency ratings. *V. L. Couch*. Person. Admin. Sept., 1946.
- . Job evaluation methods in salary analysis. *J. C. Crowley*. A personnel board in action. *E. E. Olson*. Pub. Person. Rev. Oct., 1946.
- . Public workers and the right to strike. *C. S. Rhyne*. Pub. Management. Nov., 1946.

———. Veterans and the civil service. *Miriam Roher*. *Am. Mercury*. Dec., 1946.
Political Outlook. The American political outlook. *S. K. Ratcliffe*. *Contemp. Rev.* Oct., 1946.

———. U. S. mid-term politics. *H. G. Nicholas*. *Fortnightly*. Oct., 1946.

———. The political outlook. *Marquis W. Childs*. *Yale Rev.* Autumn, 1946.

———. After the new deal. *J. King Gordon*. *Can. Forum*. Dec., 1946.

Presidency. The statutory obligations of the president: executive necessity and administrative burden. *C. D. Waldo* and *William Pincus*. *Pub. Admin. Rev.* Autumn, 1946.

Price Control. Reflections on price control. *J. K. Galbraith*. *Quar. Jour. of Econ.* Aug., 1946.

Prisons. Tomorrow's prison. *Negley K. Testers*. *Soc. Service Rev.* June, 1946.

Public Administration. Reorganization of public welfare services in New York state. *Felix Infausto* and *B. T. Hipple, Jr.* Administration by statute—the question of special laws. *G. L. Field*. Techniques for making committees effective. *R. L. Hubbell*. Straight talk about label thinking. *O. G. Stahl*. *Pub. Admin. Rev.* Autumn, 1946.

———. Opportunities and problems involved in the transfer of the employment service to state operation. *R. E. Flanders*. *State Govt.* Nov., 1946.

Public Finance. The origin and development of controllership in Iowa. *R. J. Hargrave*. *Ia. Jour. of Hist. & Pol.* Oct., 1946.

Public Opinion. Do the polls serve democracy? *John C. Ranney*. *Pub. Opin. Quar.* Fall, 1946.

———. Foreign propaganda in America. *Karl E. Etlinger*. *Pub. Opin. Quar.* Fall, 1946.

———. Public opinion and the legislative process. *Frank V. Cantwell*. *Am. Pol. Sci. Rev.* Oct., 1946.

Public Utilities. The impact of labor disturbances on public utilities. *Luther R. Nash*. *Pub. Util.* Sept. 26, 1946.

———. Public utility depreciation. *Harrop Freeman*. *Cornell Law Quar.* Sept., 1946.

———. Electrical utilities in Puerto Rico. *J. Fred Rippey*. *Jour. of Bus.* Oct., 1946.

———. The southern passenger fare case. *Rodman Sullivan*. *So. Econ. Jour.* Oct., 1946.

———. Do state commissions control REA co-ops? *Francis X. Welch*. *Pub. Util.* Nov. 7, 1946.

Race Relations. Total equality and how to get it. *Stetson Kennedy*. "For a kinder race." *Helen Papashvily*. I can take it—but should I have to? *Jewish American*. Southern California; ersatz mythology. *Parey McWilliams*. Peace conference in an American town. *Langston Hughes*. The "disloyal" at Tule Lake. *G. Eleanor Kimble*. *Common Ground*. Winter, 1946.

Rationing. Gasoline rationing in the United States; part I. *J. A. Maxwell*. *Quar. Jour. of Econ.* Aug., 1946.

Social Security. Workmen's compensation laws. *S. B. Horowitz*. *Ill. Law Rev.* Sept.-Oct., 1946.

———. Reform of unemployment compensation administrative finance. *M. O. Loyson*. *State Govt.* Nov., 1946.

———. Workers' insurance in the United States. *Joseph F. Mitchell*. *Nat. Bar Jour.* Dec., 1946.

———. Ten years of job insurance. *Junius B. Wood*. *Nation's Bus.* Dec., 1946.

Suability and Liability. Suits against government officers and the sovereign immunity doctrine. *Joseph D. Block*. Harvard Law Rev. Sept., 1946.

Taxation. Income tax consequences of building demolition and replacement programs. *George A. Schutt*. Marquette Law Rev. May, 1946.

———. Use of life insurance to mitigate taxes. *C. R. Wellon*. Wis. Law Rev. May, 1946.

———. Aftermath of the Herbst and Wiener decisions. *Samuel G. Winstead*. Tex. Law Rev. June, 1946.

———. Releasing powers of appointment in Pennsylvania. *Thomas Wentling*. Dickinson Law Rev. Oct., 1946.

———. Judicial review of excess profits tax cases. *Clarence N. Goodwin*. The property factor in state franchise taxation. *Edward Roeskin*. Essentials of state assessment supervision. *Archie B. Goodman*. Taxation of family liquidation. *George L. Weisbard*. Taxes. Nov., 1946.

———. Need we tax away prosperity? *Beardsley Ruml*. Nation's Bus. Nov. 1946.

———. The general property tax in New Jersey. *James A. Arnold, Jr.* New Jersey Municipalities. Nov., 1946.

———. Good-will in federal income taxation, 1913 to 1946. *Harry W. Wolkstein*. The taxation of business income from foreign sources. *George F. James*. Taxes. Dec., 1946.

TVA. TVA-state-local relationships. *M. H. Satterfield*. Am. Pol. Sci. Rev. Oct., 1946.

Veterans. The veteran—a myth. *L. P. Crespi* and *G. S. Shapleigh*. Pub. Opin. Quar. Fall, 1946.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Barou, Noah. Coöperation in the Soviet Union. Pp. 123. London: V. Gollancz. 1946.

Barret, François. L'évolution du capitalisme japonais. No p. Paris: Éditions Sociales. 1945.

Bettelheim, Charles. Les problèmes théoriques et pratiques de la planification. Pp. 349. Paris: Presses Univ. de France. 1946.

Brogan, D. W. French personalities and problems. Pp. 228. London: Hamilton, 1946.

Brown, G. W. Canadian democracy in action. Pp. 122. Toronto: J. M. Dent. 1946.

Browne, W. R., comp. Leviathan in crisis. Pp. 446. Viking. 1946.

Crow, Carl. China takes her place. Pp. 303. N. Y.: Grosset. 1946.

Duwerger, Maurice. Cours de droit constitutionnel. Pp. 254. Paris: Recueil Sirey. 1946.

Goytia, V. F. El liberalismo y la constitución. Pp. 205. Panama: Distribuidores Ferguson & Ferguson. 1945.

Gualtieri, Humbert. The labor movement in Italy. Pp. 320. N. Y.: S. F. Vanni. 1946.

Gutteridge, H. C. Comparative law; introduction to comparative method of legal study and research. Pp. 208. London: Cambridge. 1946.

Hawtrey, Ralph G. Economic rebirth. Pp. 161. N. Y.: Longmans, Green. 1946.

La Cerda, John. The conqueror comes to tea; Japan under MacArthur. Pp. 224. New Brunswick (N. J.): Rutgers Univ. Press. 1946.

- Lorimer, Frank.* The population of the Soviet Union; history and prospects. Pp. 289. Geneva: League of Nations. 1946.
- Mac Nair, H. P.*, ed. China. Pp. 602. Berkeley: Univ. of Calif. Press. 1946.
- Mandel, W. M.* A guide to the Soviet Union. Pp. 524. N. Y.: Dial Press. 1946.
- Mannheim, Hermann.* Criminal justice. Pp. 300. London: Paul. 1946.
- Marx, Fritz Morstein*, ed. Elements of public administration. Pp. 661. N. Y.: Prentice-Hall. 1946.
- Mertens, Josse.* Le fondement juridique des lois de pouvoirs speciaux [Belgium]. Pp. 272. Gembloux: Imprimerie J. Duculot. 1945.
- Millsbaugh, A. C.* Americans in Persia. Pp. 302. Washington: Brookings Inst. 1946.
- Morazé, Charles.* La France bourgeoise, XVIII^e-XX^e siècles. Pp. 220. Paris: A. Colin. 1946.
- Newman, Bernard.* Russia's neighbor: the new Poland. Pp. 256. London: Gollancz. 1946.
- Palandre, M. R.* Introduction to Indian administration. Pp. 404. London: Oxford. 1946.
- Pointet, Pierre Jean.* La neutralité de la Suisse et la liberté de la presse. Pp. 206. Zurich: Éditions polygraphiques. 1945.
- Radin, G.* Economic reconstruction in Yugoslavia. Pp. 174. London: Oxford. 1946.
- Thomson, David.* Democracy in France. Pp. 284. London: Oxford. 1946.
- Timasheff, N. S.* Three worlds; liberal, communist, and fascist society. Pp. 274. Milwaukee: Bruce. 1946.
- Vaillé, Eugène.* Histoire des postes françaises jusqu'à la révolution. Pp. 127. Paris: Presses Univ. de France. 1946.
- Ziman, Joshua.* The revival of Palestine. Pp. 192. N. Y.: Sharon Bks. 1946.

Articles

- Argentina. Argentine counterpoint. *J. C. Del Valle.* Nineteenth Cent. Oct., 1946.
- Australia. Section 116 of the constitution. *F. D. Cumbræ-Stewart.* Aus. Law Jour. Oct., 1946.
- . Australian aspects of government corporations. *R. E. Mitchell.* Can. Bar Jour. Nov., 1946.
- Belgium. La situation politique en Belgique. *Jules Garsou.* Rev. Pol. et Parl. Aug.-Sept., 1946.
- . Paul-Henri Spaak. *Andre Visson.* Am. Mercury. Nov., 1946.
- Canada. The establishment of the supreme court of Canada. *Frank MacKinnon.* Can. Hist. Rev. Sept., 1946.
- . The fight for Canada's soul. *Loval Dickson.* Commonwealth & Empire Rev. Sept., 1946.
- . Some legal aspects of the report of the royal commission on espionage. *M. H. Fyfe.* Can. Bar Rev. Nov., 1946.
- . Administration and politics; the case of the Canadian broadcasting corporation. *J. E. Hodgetts.* Can. Jour. of Econ. & Pol. Sci. Nov., 1946.
- . Mackenzie King of Canada. *Bruce Hutchison.* Am. Mercury. Dec., 1946.
- . The three P's and political trends. *D. C. MacDonald.* The political significance of the 1946 strikes. *Henry Ogilvie.* A report on penal reform. *Agnes Macphail.* Can. Forum. Dec., 1946.
- China. Reconstruction and reform in China. *W. L. Holland.* Int. Affairs. Oct., 1946.

- . Reconstruction and the Chinese. *H. M. Kallen*. Far Eastern Survey Nov. 20, 1946.
- Dutch West Indies. Developments in the Dutch West Indies. *J. H. Boas*. Nat. Rev. Oct., 1946.
- Ecuador. School health in Ecuador. *Frances McStay Adams*. Survey Graphic. Oct., 1946.
- France. Construction et credit. *Maurice Langlet*. La séparation des pouvoirs et l'avenir du décret-loi. *G. Liet-Veaux*. Statut ou suppression du métayage. *René Cercier*. L'ouvrier français de Louis XVIII à Louis Philippe. *Paul Louis*. Rev. Pol. et Parl. Aug.-Sept., 1946.
- . Political change in France and Italy. *Mario Einaudi*. Am. Pol. Sci. Rev. Oct., 1946.
- . France on her own. *John Pollock*. Quar. Rev. Oct., 1946.
- . French letter: the November elections. *Gelo and Andrea*. Politics. Dec., 1946.
- General and Comparative. Les Japonais et l'Occident. *J. Augustin Leger*. Rev. Pol. et Parl. Aug.-Sept., 1946.
- . Monetary reform in liberated Europe. *F. H. Klopstock*. Am. Econ. Rev. Sept., 1946.
- . How strong is this new political Catholicism? *Michael de la Bedoyere*. Dublin Rev. Oct., 1946.
- . Arab nationalism. *Alan Scott*. Contemp. Rev. Oct., 1946.
- . Public offices and public officers in the United States and in Germany. *H. F. Abraham*. Tulane Law Rev. Oct., 1946.
- . The future of European agriculture. *S. A. Manning*. Free Europe. Oct., 1946.
- . Economic reconstruction in west and east. *A. Bonné*. Int. Affairs. Oct., 1946.
- . The return of the west. *W. S. Schlamm*. Fortune. Oct., 1946.
- . The Arab middle east and the modern world. *H. S. Deighton*. Int. Affairs. Oct., 1946.
- . Political Catholicism and Catholic politics. *Ilsa Barea*. Pol. Quar. Oct.-Dec., 1946.
- . Some aspects of allegiance. *T. C. Jones*. Va. Law Rev. Nov., 1946.
- . Peopling the dominions. *G. F. McCleary*. Contemp. Rev. Nov. 1946.
- . The new liberation of western Europe. *John Yard*. Free World. Nov., 1946.
- Germany The 20th of July and the German Catholics. *Paulus Van Husen*. Towards the solution of the German problem. *Karl Reimann*. The confessing church—today and tomorrow. *Werner Koch*. Dublin Rev. July, 1946.
- . The British zone. *Lord Beveridge*. Liberal. Sept., 1946.
- . Two sides of the German problem. *Alvin Johnson*. Yale Rev. Autumn, 1946.
- . Concerning Germany. *Rennie Smith*. Quar. Rev. Oct., 1946.
- . Note on effect of denazification upon property rights in Germany. *R. M. Havens*. So. Econ. Jour. Oct., 1946.
- . The German dust-bowl. *Wilhelm Roepke*. Rev. of Pol. Oct., 1946.
- . Debt and democracy in Germany. *R. W. Lindholm*. Am. Jour. of Econ. and Sociol. Oct., 1946.
- . The German communications system. *Eugene H. Merrill*. Pub. Util. Oct. 24, 1946.

- . Political parties in Germany. *Veit Valentin*. *Contemp. Rev.* Nov., 1946.
- . Germany's two secret agreements with Russia. *Alexander Bregman*. *Nineteenth Cent.* Nov., 1946.
- . Control commission for Germany. *C. P. Harvey*. *Nat. Rev.* Nov., 1946.
- . The Ruhr. *Editors*. *Fortune*. Dec., 1946.
- Great Britain. Revision of British company law. *Mary E. Murphy*. *Minn. Law Rev.* June, 1946.
- . Redistribution of seats. *Raymond Jones*. *Liberal*. Sept., 1946.
- . Civil aviation; nationalization a disadvantage. *John Munro*. *Commonwealth and Empire Rev.* Sept., 1946.
- . Coördinating policies and operations in the government of the United Kingdom. *F. G. Lee and Roger Stevens*. *Pub. Admin. Rev.* Autumn, 1946.
- . Great Britain's postwar civil service program. *A. H. Aronson and R. E. Culbertson*. *Pub. Person. Rev.* Oct., 1946.
- . Electoral reform as a means to parliamentary democracy. *S. Reed Brett*. The post office in wartime. *H. F. Crookshank*. The course of conservative politics. *Viscount Hinchinbrooke*. *Quar. Rev.* Oct., 1946.
- . Nationalization; a liberal view. *Andrew McFadyean*. Voluntary and state services. *C. E. A. Bedwell*. *Contemp. Rev.* Oct., 1946.
- . The closed shop and the closed mind. *John Boyd-Carpenter*. *Nineteenth Cent.* Oct., 1946.
- . In memoriam: the British coal industry. *Editors*. *Fortune*. Oct., 1946.
- . England in 1946. *Bernard Wall*. *Rev. of Pol.* Oct., 1946.
- . The national coal board. *G. D. H. Cole*. Legislative draftsmanship. *W. A. Robson*. New horizons in educational broadcasting. *R. S. Lambert*. *Pol. Quar.* Oct.-Dec., 1946.
- . Lord Sherbrooke; a Victorian statesman. *George L. Gower*. *Nineteenth Cent.* Nov., 1946.
- . Diary of the Brighton congress [Trades Union Congress]. *Editors*. *Labour*. Nov., 1946.
- India. The independence of India. *Graham Spry*. *Int. Jour.* Autumn, 1946.
- . The cabinet mission's legacy. *J. C. French*. *Nat. Rev.* Oct., 1946.
- . The work of the cabinet mission to India. *L. S. Amery*. The Bengal famine. *P. C. Mahalanobis*. The future of British and Indian relations. *Kenneth Mealing*. *Asiatic Rev.* Oct., 1946.
- . India's pseudo-democratic fog. *O. C. G. Hayter*. *Nat. Rev.* Nov., 1946.
- Italy. The significance of technical decisions in Italy. *Sebastian de Grazia*. *Southwestern Soc. Sci. Quar.* Sept., 1946.
- . How Mussolini fell. *Piero Saporiti*. *Pol. Quar.* Oct.-Dec., 1946.
- . The Italian economic situation. *Antonio Giordano*. *Contemp. Rev.* Nov., 1946.
- . Economic reconstruction of Italy. *Ernest Dale*. *For. Policy Rep.* Nov. 1, 1946.
- . New schools for Italy. *C. W. Washburne*. *Survey Graphic*. Nov., 1946.
- Japan. Creation of a new Japanese civilization. *Shigeru Nambara*. Ethics in the Japanese educational curriculum. *T. V. Smith*. *Ethics*. July, 1946.
- . Economic issues in Japan. *W. W. Lockwood*. *Yale Rev.* Autumn, 1946.
- . The Japanese army as I knew it. *J. C. Somerville*. *Nat. Rev.* Oct., 1946.
- . The Japanese civil service. *H. H. MacDonald and M. J. Esman*. *Pub. Person. Rev.* Oct., 1946.
- . The Japanese war economy: 1940-1945. *Jerome B. Cohen*. *Far Eastern Survey*. Dec. 4, 1946.

- Yugoslavia.** The political parties of Yugoslavia. *Correspondent*. Free Europe. Oct., 1946.
- . How terror rules Yugoslavia. *Bogdan Raditsa*. Am. Mercury. Dec., 1946.
- Korea.** Cross currents in Korea. *No-Yong Park*. Current Hist. Nov., 1946.
- . Our record in Korea. *Editors*. Amerasia. Nov., 1946.
- . Military government: Korea. *Bertram D. Sarafan*. Far Eastern Survey. Nov. 20, 1946.
- Newfoundland.** Newfoundland. *Thomas Lodge*. Liberal. Sept., 1946.
- Palestine.** A constitution for Palestine. *Hubert Young*. Quar. Rev. Oct., 1946.
- . The grand mufti of Jerusalem. *Rosalind Graves*. Current Hist. Nov., 1947.
- Peru.** The peoples' warrior (Haya de la Torre). *Lyn Smith Manduley*. Inter-American. Nov., 1946.
- Portugal.** Portugal; anti-totalitarian outpost. *Eugene Bagger*. Cath. World. Dec., 1946.
- South Africa.** Seven golden houses. *Editors*. Fortune. Dec., 1946.
- Soviet Union.** Soviet version of American history. *George S. Counts*. Pub. Opin. Quar. Fall, 1946.
- . Incentive for Soviet initiative. *F. Hughes*. Econ. Jour. Sept., 1946.
- . The Russian succession. *Edward Crankshaw*. Nat. Rev. Nov., 1946.
- . Anti-American propaganda in Russia. *Neal Stanford*. Am. Mercury. Nov., 1946.
- . Stalin's German agents. *Ruth Fischer*. Am. Mercury. Nov., 1946.
- . The Russian writer's dilemma. *Peter Meyer*. Politics. Dec., 1946.
- Spain.** Spain, her national resources. *E. G. de Caux*. Free Europe. Oct., 1946.
- Sweden.** Sweden revisited. *R. S. Hartman*. Free World. Nov., 1946.

INTERNATIONAL RELATIONS

Books and Pamphlets

- Baykov, Alexander*. Soviet foreign trade. Pp. 110. Princeton (N. J.): Princeton Univ. Press. 1946.
- Carlston, K. S.* The process of international arbitration. Pp. 332. N. Y.: Columbia Univ. Press. 1946.
- Carr, W. G.* One world in the making; the United Nations. Pp. 105. Boston: Ginn. 1946.
- Condoide, M. V.* Russian-American trade; a study of the Soviet foreign-trade monopoly. Pp. 173. Columbus: Ohio State Univ. 1946.
- Dolivet, Louis*. The United Nations; a handbook on the new world organization; preface by Trygve Lie. Pp. 152. N. Y.: Farrer, Straus. 1946.
- Dulles, A. W., and Pitney, Beatrice*. The United Nations. Pp. 96. N. Y.: For. Policy Assoc. 1946.
- Ingrim, Robert*. After Hitler, Stalin? Pp. 270. Milwaukee. Bruce. 1946.
- Memours, Alfred*. La charte des Nations unies; étude comparative de la charte avec: les propositions de Dumbarton Oakes, le covenant de la Société des nations, les conventions de la Haye, les propositions et doctrines interaméricaines. Pp. 188. Port-au-Prince (Haiti): H. Deschamps. 1945.
- Peters, Clarence A., comp.* International trade, coöperative or competitive. Pp. 306. N. Y.: H. W. Wilson. 1946.
- Roosevelt, Elliott*. As he saw it. Pp. 288. N. Y.: Duell, Sloan and Pearce. 1946.
- Stocking, G. W. and Others*. Cartels in action; case studies in international business diplomacy. Pp. 545. N. Y.: Twentieth Century Fund. 1946.

Walker, Reginald F., ed. Pius of peace [Pius XII]. Pp. 180. Westminster (Md.): 1946.

Whitaker, A. P., ed. Inter-American affairs, 1945. Pp. 328. N. Y.: Columbia Univ. Press.

Woodward, E. L. Some political consequences of the atomic bomb. Pp. 30. N. Y.: Oxford. 1946.

Zilliacus, Kodne. Mirror of the past; a history of secret diplomacy. Pp. 382. N. Y.: Current Books. 1946.

Articles

Air Transport. Air transport and world organization. *John C. Cooper.* Yale Law Jour. Aug., 1946.

Argentina. The Argentine question; the war stage. *Richard Pattee.* Rev. of Pol. Oct., 1946.

Atomic Energy. Atomic perspectives. *Charles B. Gary.* Free World. Nov., 1946.

Austria. The position of Austria. *G. E. R. Gedye.* Contemp. Rev.

British Commonwealth. Political and military relations of the British Commonwealth and the United States. *G. de T. Glazebrook.* Int. Jour. Autumn, 1946.

Communications. Telecommunications in the new world. *F. C. de Wolf.* Yale Law Jour. Aug., 1946.

Egypt. The Egyptian mixed courts and foreign armed forces. *J. Y. Brinton.* Am. Jour. Int. Law. Oct., 1946.

Food. Food resources and human needs. *P. L. Yates.* Yale Law Jour. Aug., 1946.

———. Food, famine, and diplomacy. *W. M. Curtiss.* Am. Jour. of Econ. & Sociol. Oct., 1946.

Greece. When Greek meets Bulgar. *Henry Baerlein.* Free Europe. Oct., 1946.

Greenland. Common cause in the north. *M. J. Dunbar.* Int. Jour. Autumn, 1946.

Hungary. The peace treaty with Hungary. *Bela Menczer.* Free Europe. Oct., 1946.

International Conferences. Two Paris peace conferences. *James T. Shotwell.* Survey Graphic. Oct., 1946.

———. The peace conference in retrospect. *F. W. Paris Bureau.* Free World. Nov., 1946.

International Law. The proposed international bill of rights and its enforcement. *Roland Bradley.* World Affairs Interpreter. Autumn, 1946.

———. The second world war and international law. *E. A. Korovin.* Am. Jour. Int. Law. Oct., 1946.

———. Nuremberg. *F. A. Voigt.* Nineteenth Cent. Nov., 1946.

———. Bill of human rights. Executive Committee of the Committee on Human Rights of the Commission to Study the Organization of Peace. Int. Conciliation. Dec., 1946.

International Trade and Finance. The problem of international cartels and inter-governmental commodity agreements. *K. E. Knorr.* The Bretton Woods institutions. *John W. Pehle.* International tax relations. *H. S. Bloch* and *C. E. Heilemann.* International organization of shipping. *Daniel Marx, Jr.* Yale Law Jour. Aug., 1946.

———. Full employment and international trade. *Frederic Benham.* Economica. Aug., 1946.

———. The British economy in the world of today. *Mabel Timlin.* Int. Jour. Autumn, 1946.

———. The general shipping situation. *John S. Maclay.* Int. Affairs. Oct., 1946.

Japan. The enigma of Japanese friendliness. *E. R. Hilgard*. Pub. Opin. Quar. Fall, 1946.

Military Government. The split occupation of Germany. *Andreas Dorpalen*. V. Quar. Rev. Autumn, 1946.

Nationality. Identifiability of nationality characteristics. *F. H. Lund* and *W. C. Berg*. Jour. of Soc. Psych. Aug., 1946.

Palestine. The Palestine mandate; story of a fumble. *Marvin B. Gelber*. Int. Jour. Autumn, 1946.

Peace Problems. Venezia-Giulia. *Leopold C. Klausner*. World Affairs Interpreter Autumn, 1946.

———. Germany, Europe's chance. *Z. Grabowski*. Free Europe. Oct., 1946.

———. The draft treaties of peace. *Malbone Graham*. Am. Jour. Int. Law. Oct., 1946.

———. United States interests in world food problem. *J. A. Stillwell*. Dept. of State Bull. Nov. 24, 1946.

———. Reparations and world war III. *Edwin W. Pauley*. Am. Mercury. Dec., 1946.

Population. Population growth and control in relation to world peace. *Warren S. Thompson*. Yale Law Jour. Aug., 1946.

Propaganda. Propaganda and information in international affairs. *C. A. Siepmann*. Yale Law Jour. Aug., 1946.

———. British broadcasts in Japanese. *R. G. Flershem*. Far Eastern Survey Nov. 20, 1946.

Regions. The geopolitics of Danubia. *J. S. Roucek*. World Affairs Interpreter. Autumn, 1946.

———. Esquisse de relations inter-américaines. Int. Jour. Autumn, 1946.

———. The Arab league as a regional arrangement. *Majid Khadduri*. Am. Jour. Int. Law. Oct., 1946.

———. Climate and frontiers in Eastern Europe. *Antoni Plutynski*. Free Europe. Oct., 1946.

———. East Europe and two worlds. *Frederick L. Schuman*. Current Hist. Nov., 1946.

———. The Arab league in world politics. *Vernon McKay*. For. Policy Rep. Nov., 15, 1946.

Siam. The treaty of March 23, 1907, between France and Siam and the return of Battambang and Angkor to Cambodia. *Lawrence P. Briggs*. Far Eastern Quar. Aug., 1946.

Soviet Union. Korean plans of Russian imperialism. *G. C. Guins*. Am. Jour. of Econ. and Sociol. Oct., 1946.

———. Russia in Europe; the conflict of values. *Edward Crankshaw*. Int. Affairs. Oct., 1946.

———. Peace with Russia. *Maurice Edelman*. Pol. Quar. Oct.-Dec., 1946.

Trusteeship. Dependent areas and the trusteeship system of the United Nations. *E. P. Chase*. World Affairs Interpreter. Autumn, 1946.

———. Trusteeship versus annexation. *Editors*. Amerasia. Nov., 1946.

UNESCO. The world of UNESCO. *Edmond Turcotte*. Int. Jour. Autumn, 1946.

———. UNESCO—adventure in understanding. *Laura Vitray*. Free World. Nov., 1946.

Vatican. The vatican and the white house. *Maurice Pernot*. Fortnightly. Oct., 1946.

War Crimes. Status of prosecutions against German and Japanese war criminals. *Charles Horsky*. Lawyers Guild Rev. May-June, 1946.

- . Nuremberg doubts and difficulties. *Peter Calvocoressi*. *Liberal*. Sept., 1946.
- . Japanese war crime trials. *Paul Katona*. *Free World*. Nov., 1946.
- . Nuremberg. *M. C. Bernays*. *Survey Graphic*. Nov., 1946.
- . The Nürnberg confusion. *Editors*. *Fortune*. Dec., 1946.
- World Language. A universal alphabet. *Mario A. Pei*. *Free World*. Nov., 1946.
- World Organization. Legal problems of the United Nations. *Ivan Cerno*. *Lawyers Guild Rev.* May-June, 1946.
- . Accomplishments and expectations of world organization. *Quincy Wright*. The interrelations of world organization and society. *Harold D. Lasswell*. Peace enforcement. *S. T. Possony*. The amount of world organization necessary and possible. *L. M. Goodrich*. The impracticability of "enforcing" peace. *Edwin Borahard*. The United Nations; aims and structure. *Clyde Eagleton*. Limitations on the functions of the United Nations. *Hans Kelsen*. The Soviet Union and the United Nations. *John N. Hazard*. The United Nations from a European point of view. *W. E. Rappard*. The international court of justice. *Grant Gilmore*. Diplomacy. *Hans J. Morgenthau*. The enforcement of security. *Grayson Kirk*. *Yale Law Jour.* Aug., 1946.
- . The United Nations in the second year. *A. Th. Polyzoides*. *World Affairs Interpreter*. Autumn, 1946.
- . Roads to peace and security. *F. R. Scott*. *Int. Jour.* Autumn, 1946.
- . Organization and procedure of the security council of the United Nations. *Hans Kelsen*. *Harvard Law Rev.* Sept., 1946.
- . World organization and world language. *W. Solzbacher*. *Am. Esperantist*. Sept.-Oct., 1946.
- . World security and imperial defense. *W. T. Wells*. *Fortnightly*. Oct., 1946.
- . The lawyer's duty to work for peace secured by law. *Owen J. Roberts*. A superstate is neither attainable nor desirable. *George W. Mazey*. UN or world state. *Thomas R. White*. *Pa. Bar Assoc.* Quar. Oct., 1946.
- . United Nations secretariat. *W. H. C. Laves* and *D. C. Stone*. *For. Policy Rept.* Oct. 15, 1946.
- . The world health organization. *René Sand*. *Survey Graphic*. Oct., 1946.
- . The United States accepts compulsory jurisdiction. *Francis O. Wilcox*. *Am. Jour. Int. Law*. Oct., 1946.
- . The legal position of the secretary-general of the United Nations. *Josef L. Kunz*. *Am. Jour. Int. Law*. Oct., 1946.
- . Making the United Nations work. *Quincy Wright*. *Rev. of Pol.* Oct., 1946.
- . World government now? *N. A. Pelcovits*. *Harper's*. Nov., 1946.
- . Reflections on the security council. *H. V. Johnson*. The UN and peace settlement. *Joseph Paul-Boncour*. *Free World*. Nov., 1946.
- . Sanctions under the charter of the United Nations. *Hans Kelsen*. *Can. Jour. of Econ. and Pol. Sci.* Nov., 1946.
- . The world health organization: cornerstone of peace. *Thomas Parran* and *Frank G. Boudreau*. *Am. Jour. of Pub. Health*. Nov., 1946.
- World War II. The social heritage of the war. *G. B. Becker*. *World Affairs Interpreter*. Autumn, 1946.

LOCAL GOVERNMENT

Books and Pamphlets

- Amies, F. A.* The law relating to the alteration of local-government areas. Pp. 149. London: Hadden, Best: 1946.

Andrews, Wayne. Battle for Chicago. Pp. 366. N. Y.: Harcourt. 1946.

Austin, H. Russell. The Milwaukee story; the making of an American city. Pp. 228. Milwaukee: Milwaukee Jour. 1946.

Crangle, C. L. Planning water and sewerage systems for the small community. Pp. 37. Nashville: Tenn. State Planning Commission. 1946.

Forthal, Sonya. Cogwheels of democracy; a study of the precinct captain. Pp. 106. N. Y.: William-Frederick Press. 1946.

Kerrell-Vaughn, A. R. The government of the English village. Pp. 55. London: Staples. 1946.

Mullins, R. J. and Fitzley, E. H. Public school attendance and school costs in New Mexico. Pp. 27. Albuquerque: Dept. of Govt., Univ. of N. M. 1946.

Smellie, K. B. History of local government. Pp. 192. London: Allen and Unwin. 1946.

Articles

Budget. Preparation of the local budget. *John A. Perkins.* Am. Pol. Sci. Rev. Oct., 1946.

———. Municipal budget—the clerk's responsibility. *George C. Skillman.* New Jersey Municipalities. Oct., 1946.

———. Explaining the city budget to the people. *L. F. Harlow.* Pub. Management. Nov., 1946.

Cemeteries. The management of municipal cemeteries. *Editors.* The Municipality. Oct., 1946.

Education. Alas, the poor school superintendent. *George Henry.* Harper's. Nov., 1946.

Health. An epidemiological study of an outbreak of pertussis in a public school. *A. C. Rodman, W. F. Bradford, and G. P. Berry.* Am. Jour. of Pub. Health. Nov., 1946.

Local Government Abroad. Australia's new cities. *John Briears.* Commonwealth and Empire Rev. Sept., 1946.

———. Some problems of local government. *Henry Slessor.* Fortnightly. Oct., 1946.

———. Montreal's abortive vice probe. *Editors.* Can. Bar Rev. Nov., 1946.

Personnel. In-service training in a rural health department. *P. A. Bearg.* Am. Jour. of Pub. Health. Nov., 1946.

Planning. Inventions of local transportation and the patterns of cities. *William Ogburn.* Soc. Forces. May, 1946.

———. Common sense in municipal planning. *M. W. Torkelson.* The Municipality. Oct., 1946.

———. Urban re-development legislation needs critical study. *Carl E. Carlson.* Am. City. Nov., 1946.

Race Relations. Race relations in community health organizations. *P. B. Cornely.* Am. Jour. of Pub. Health. Sept., 1946.

Recreation. Planning a community recreation program. *Henry F. Morse.* Recreation in Clinton—a case history. *W. E. McIntyre.* Tenn. Planner. Oct., 1946.

———. A modern concept of recreation. *G. Ott Romney.* Minn. Municipalities. Nov., 1946.

Revenue. Fundamental revision of municipal revenue pattern is underway. *Malcolm Davisson.* Western City. Oct., 1946.

———. How should the services of municipal government be financed? *C. J. Schloemer.* The Municipality. Nov., 1946.

———. The cities' revenue needs and tax suggestions. *C. C. Ludwig.* Minn. Municipalities. Nov., 1946.

———. The financial plight of municipal governments. *George W. Mitchell*. The Municipality. Dec., 1946.

Streets. Street administration in California. *Randolph Collier*. Western City. Oct., 1946. •

———. Preparing a major street plan. *Floyd A. Carlson*. The Municipality. Dec., 1946.

Traffic. The traffic outrage. *Editors*. Fortune. Oct., 1946.

———. Perimeter parking for cities. *Larston D. Farrar*. Pub. Util. Nov. 7, 1946.

———. Catching up on traffic control. *J. B. Keenan*. Am. City. Nov., 1946.

Utilities. Municipal ownership of utilities in Indiana. *Harry T. Ice*. Ind. Law Jour. Oct., 1946.

Villages. The village district in New Hampshire. *L. G. Harvey*. Am. Pol. Sci. Rev. Oct., 1946.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Belloc, Hilaire. The servile state; 1st. Am. ed. Pp. 215. N. Y.: Holt, 1946.

Cassirer, Ernst. The myth of the state. Pp. 315. New Haven (Conn.): Yale. 1946.

Connell, Francis J. Morals in politics and professions. Pp. 193. Westminster (Md.): Newman. 1946.

Dewey, John. The public and its problems; new ed. Pp. 236. Chicago: Gateway Bks., 301 E. 18th St. 1946.

Dupréel, Eugène. Le pluralisme sociologique; fondements scientifiques d'une revision des institutions. Pp. 80. Bruxelles: Office de Publicité. 1945.

Fales, Walter. Wisdom and responsibility; an essay on the motivation of thought and action. Pp. 166. Princeton (N. J.): Princeton Univ. Press. 1946.

Feibleman, James. The theory of human culture. Pp. 361. Duell, Sloan, and Pearce. 1946.

Feibleman, James K. An introduction to Peirce's philosophy. Pp. 523. N. Y.: Harper. 1946.

Jones, Aubrey. The pendulum of politics. Pp. 183. London: Faber & Faber. 1946.

Keracher, John. Frederick Engels. Pp. 44. Chicago: Charles H. Kerr, 500 N. Dearborn. 1946.

Leontiev, A. Marx's "Capital." Pp. 160. N. Y.: Int. Pubs. 1946.

Neff, F. A. Economic doctrines. Pp. 439. Wichita (Kan.): McGuin Pub. Co. 1946.

Pink, M. Alderton. The challenge to democracy. Pp. 118. London. Faber. 1946.

Schneider, H. W. A history of American philosophy. Pp. 660. N. Y.: Columbia Univ. Press. 1946.

Schweitzer, Albert. Civilization and ethics. Pp. 284. London: Black. 1946.

Simmons, Ernest J. Leo Tolstoy. Pp. 790. Boston: Little, Brown. 1946.

Thomas, Henry. The living world of philosophy. Pp. 413. Philadelphia: Blakiston. 1946.

Weber, Max. Essays in sociology; trans. Pp. 501. N. Y.: Oxford. 1946.

Articles

Beccaria, Cesare. Beccaria. *Richard V. Sipe*. Ind. Law Jour. Oct., 1946.

Calvin, Calvin and the modern mind. *T. P. Neill*. Cath. World. Nov., 1946.

Clarence M. Case. Clarence Marsh Case; a personal tribute. *E. S. Bogardus*. Sociol. and Soc. Research. Nov.-Dec., 1946.

Civilization. Is ours a young civilization? *Max Lerner*. Antioch Rev. Fall, 1946.

Conscription. Conscription and conscience. *H. J. T. Johnson*. Dublin Rev. Oct., 1946.

Democracy. The theory of democracy: idealistic or Christian? *Paul Ramsey*. *Ethics*. July, 1946.

Determinism. Determinism in politics. *A. R. M. Lower*. *Can. Hist. Rev.* Sept., 1946.

Economic Theory. Welfare economics and economic policy. *A. Radomysler*. *Economica*. Aug., 1946.

———. Cause and economic change. *B. S. Keirstead*. *Can. Hist. Rev.* Sept., 1946.

———. Unemployment in an unplanned economy. *H. F. Lydall*. Professor Hayek on individualism. *R. P. Harrod*. *Econ. Jour.* Sept., 1946.

Dante. The true background of the *Divina Commedia*. *Robert John*. *Dublin Rev.* Oct., 1946.

Educational Theory. Philosophy in the fight and at work. *H. W. Schneider*. *Ethics*. July, 1946.

Freedom. Freedom and the basic social relations. *Albert Mueller-Deham*. *Ethics*. July, 1946.

———. Freedom and social structure. *Gerard DeGré*. *Am. Sociol. Rev.* Oct., 1946.

———. Liberty and order: conflict and reconciliation. *B. W. Palmer*. *Am. Bar Assoc. Jour.* Nov., 1946.

Industrialism. Problems of our prewar economy—revisited. *Wallace Mendelson*. *Southwestern Soc. Sci. Quar.* Sept., 1946.

———. Man and technics. *E. L. Allen*. *Contemp. Rev.* Nov., 1946.

———. Factory work. *Simone Weil*. *Politics*. Dec., 1946.

Jurisprudence. Sources and forms of law. *Roscoe Pound*. *Notre Dame Lawyer*. June, 1946.

———. Borrowings in Roman law and Christian thought. *Miriam T. Rooney*. *The Jurist*. Oct., 1946.

Justice. The analysis of justice. *Iredell Jenkins*. *Ethics*. Oct., 1946.

Keynes. Keynes: economics as a magical system. *Peter F. Drucker*. *Va. Quar. Rev.* Autumn, 1946.

———. John Maynard Keynes: 1883–1946. *J. A. Schumpeter*. *Am. Econ. Rev.* Sept., 1946.

Koestler. Mr. Koestler's dilemma. *Robert Hamilton*. *Nat. Rev.* Oct., 1946.

Leibniz. Leibniz's message to us. *W. H. Sheldon*. Leibniz's judgments of fact. *L. E. Loemker*. Leibniz's greatest discovery. *Charles Hartshorne*. Leibniz's attack on the cartesian doctrine of extension. *J. W. Nason*. Leibniz's principles of international justice. *Paul Schrecker*. *Jour. of Hist. of Ideas*. Oct., 1946.

Liberalism. World liberalism today. *Max Salvadori*. *Contemp. Rev.* Nov., 1946.

———. Liberalism and the U.S.S.R. *Lloyd Francis* and *Dudley Bristow*. *Can. Forum*. Nov., 1946.

Machiavelli. Machiavelli and the world today. *L. Collison-Morley*. *Contemp. Rev.* Nov., 1946.

More. Sir Thomas More and "justum bellum." *Fritz Caspari*. *Ethics*. July, 1946.

Natural Law. The ante-"taught law" period in the United States. *H. G. Reuschlein*. *Va. Law Rev.* Aug., 1946.

Orwell. George Orwell, 19th century liberal. *George Woodcock*. *Politics*. Dec., 1946.

Peace. The distinctive contributions of philosophy to the issues of the peace. *G. R. Morrow*. *Ethics*. July, 1946.

Personality. The person and the common good. *Jacques Maritain*. *Rev. of Pol.* Oct., 1946.

- Planning.** Omnipotent government. *Robert Eisler*. Nineteenth Cent. Nov., 1946.
- Practicality.** The failure of practical men. *Stanton Coblenz*. Free World. Nov., 1946.
- Progress.** The human bottleneck. *A. C. B. Fisher*. Int. Affairs. Oct., 1946.
- Rousseau.** Rousseau—mother nature's bad boy. *T. P. Neill*. Cath. World. Dec., 1946.
- Carl Schmitt.** The constitutional decision; a German theory of constitutional law and politics. *Frederick E. Dessauer*. Ethics. Oct., 1946.
- Social Compact.** The origin and meaning of the social compact doctrine. *Anton-Hermann Chroust*. Ethics. Oct., 1946.
- Values.** The sociology of values. *Radhakamal Mukerjee*. Sociol. & Soc. Research. Nov.-Dec., 1946.

MISCELLANEOUS

Books and Pamphlets

- Landa, M. J.* The man without a country [refugees]. Pp. 160. London: H. Joseph. 1946.
- Merton, Robert K., and Others.* Mass persuasion; the social psychology of a war bond drive. Pp. 223. N. Y.: Harper, 1946.
- Reich, Wilhelm.* The mass psychology of fascism; 3rd rev. ed. Pp. 344. N. Y.: Orgone Inst. Press. 1946.
- Warhaftig, Zorach.* Uprooted; Jewish refugees and displaced persons after liberation. Pp. 226. N. Y.: Inst. of Jewish Affairs. 1946.
- Wilson, Howard.* Helping yourself to understand economics; a glossary of economic terms. Pp. 19. Chicago: Economic Institute. 1947.

Articles

- American Judicature Society.** Herbert Harley and the American judicature society. *G. R. Winters*. Jour. of Am. Judicature Soc. Oct., 1946.
- Ever-Normal Granary.** Henry A. Wallace and the ever-normal granary. *Derk Bodde*. Far Eastern Quar. Aug., 1946.
- Law and Language.** Law and language. *Reginald Croom-Johnson*. Can. Bar Jour. Nov., 1946.
- Measurement and Research.** Some measurement and research problems arising from sociological aspects of a full employment policy. *Margaret J. Hagood and L. J. Ducoff*. Am. Sociol. Rev. Oct., 1946.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service Commission

- Personnel administration and civil service; a selected list of references. Washington: Govt. Ptg. Off., 1946. 32 p.
- Conference on efficiency ratings administration.* Proceedings of the 3d annual conference . . . conducted by Civil Service Commission, Nov. 27, 1945 . . . Washington: Govt. Ptg. Off., 1946. 35 p.

Commerce Department

Census bureau. City employment in 1945. Washington, 1946. 57 p. (processed) (Government employment, vol. 6, no. 7, November, 1946.)

——— State government finances in 1945. (With Minnesota, the individual state studies for 1945 were completed, November, 1946. In September, 1946, a statistical compendium, preliminary summary of state government finances for 1945, was issued. 12 p. (mim).)

——— State employment in 1945. Washington, 1946. 10 p. (mim.) (In Government employment, vol. 6, no. 5, November, 1946.)

——— Vital statistics of United States, 1944: pt. 1, Natality and mortality data for United States . . . Hawaii, Puerto Rico, and Virgin Islands. Washington: Govt. Ptg. Off., 1946. 251 p. \$1.50.

——— *Census, 1940 (16th).* Population: Internal migration, 1935-1940, social characteristics of migrants. Washington: Govt. Ptg. Off., 1946. 270 p. \$1.00.

Congress

Conference committees. Atomic energy act of 1946, conference report to accompany S. 1717 [for development and control of atomic energy]: . . . Washington: Govt. Ptg. Off., 1946. 13 p. (H. rp. 2670, 79th Cong., 2d sess.)

House of Representatives. Civil service preference, retirement, and salary classification laws [Feb. 25, 1919-Aug. 8, 1946]; comp. by Elmer A. Lewis, supt. Documents Room. Washington: Govt. Ptg. Off., 1946. 576 p. 60¢.

——— Naturalization laws [May 9, 1918-Aug. 8, 1946]; comp. by Elmer A. Lewis, supt. Document Room . . . Washington: Govt. Ptg. Off., 1946. 270 p. 20¢.

——— Handbook for veterans of World War II and their dependents, including rights and benefits of veterans of World War I and their dependents [prepared by Wright Patman]. Washington: Govt. Ptg. Off., 1946. 57 p. (H. doc. 714, 79th Cong., 2d sess.) 15¢. [Revision of an earlier edition.]

——— *Civil service committee.* Retirement after 25 years of service, hearings, 79th cong., 2d sess., on H. R. 4718 . . . Washington: Govt. Ptg. Off., 1946. 122 p. 20¢.

——— *Foreign affairs committee.* Interchange of knowledge and skills between people of United States and peoples of other countries, hearings, 79th Cong., 1st and 2d sess., on H. R. 4368 . . . to enable Department of State more effectively to carry out its responsibilities in foreign field . . . Washington: Govt. Ptg. Off., 1946. 216 p. 30¢.

House of representatives. Insular affairs committee. To provide for rehabilitation of Philippine Islands, appendix to hearings, 79th Cong., 2d sess., on S. 1610: Exhibits . . . Washington: Govt. Ptg. Off., 1946. pt. 2, 211-368 p. 8 maps. 30¢.

——— *Judiciary committee.* To amend anti-trust laws relative to exempting mutual news gathering agencies, hearings . . . 79th Cong., 2d sess., on H. R. 6301, to supplement existing laws against unlawful restraints and monopolies . . . Washington: Govt. Ptg. Off., 1946. 69 p. 15¢.

——— *Laws, Committee on revision of.* Revision of title 28, United States Code, report to accompany H. R. 7124, to revise, codify, and enact into law title 28 of the United States Code, entitled Judicial code and judiciary . . . Washington: Govt. Ptg. Off., 1946. 7+A580 p. (H. R. 2646, 79th Cong., 2d sess.)

——— *Military affairs committee.* International abolition of conscription, hearings, 79th Cong., 2d sess., on H. Res. 325, urging immediate international agreement to eliminate compulsory military service . . . Washington: Govt. Ptg. Off., 1946. 83 p. 15¢.

——— *Territories committee*. To conduct a study and investigation of the various questions and problems relating to the territory of Alaska, hearings . . . pursuant to H. res. 236 . . . Washington: Govt. Ptg. Off., 1946. 236 p. (79th Cong., 1st sess.) •

Senate. Administrative procedure act, legislative history, 79th Cong., 1944-46 . . . Washington: Govt. Ptg. Off., 1946. 458 p. 75¢.

——— International court of justice, Senate resolution 196 . . . with report . . . relative to proposed acceptance of compulsory jurisdiction of international court of justice by United States government. Washington: Govt. Ptg. Off., 1946. 13 p.

——— *Foreign affairs committee*. International court of justice. Compulsory jurisdiction . . . hearings, 79th Cong., 2d sess., on S. Res. 196, proposing acceptance of compulsory jurisdiction of international court of justice by United States government . . . Washington: Govt. Ptg. Off., 1946. 160 p. 25¢.

——— *Indian affairs committee*. Facilitate and simplify administration of Indian affairs, hearings, 79th Cong., 2d sess., on H. R. 4386 . . . Washington: Govt. Ptg. Off., 1946. 20 p. 10¢.

——— Repeal of Wheeler-Howard act, hearings, 79th Cong., 2d sess., on S. 978, to repeal . . . [Wheeler-Howard act relates to the conservation and development of Indian lands and to the granting of certain rights and privileges to Indians]. Washington: Govt. Ptg. Off., 1946. 24 p. 10¢.

——— *Judiciary committee*. President's plan for reorganization of executive departments, hearings, 79th Cong., 2d sess., on S. con. res. 64, 65, and 66, concurrent resolutions disapproving Reorganization plans 1, 2, and 3 . . . Washington: Govt. Ptg. Off., 1946. 471 p. 65¢.

——— *National defense program, Special committee investigating*. Confidential report . . . on preliminary investigation of military government in the occupied areas of Europe. George Meader, chief counsel. Washington, 1946. 64 p., exhibits, press release. (mim.)

Pearl Harbor attack, Joint Committee on investigation of. Hearings, 79th Cong., 1st sess. [and 2d sess.] pursuant to S. Con. Res. 27 . . . Washington: Govt. Ptg. Off., 1945-46. 11 parts, 5560 p.

——— Report . . . Washington: Govt. Ptg. Off., 1946. 580 p. maps. (S. doc. 244, 79th Cong., 2d sess.) \$1.25.

Government Printing Office

Documents office. Foreign relations of United States; Sept., 1946. Washington: Govt. Ptg. Off., 1946. 96 p. (Price list 65, 27th edition.)

Interior Department

War relocation authority. Administrative highlights of WRA program . . . Washington: Govt. Ptg. Off., 1946. 82 p. 30¢

——— The evacuated people: a quantitative description. Washington: Govt. Ptg. Off., 1946. 200 p. (processed) 60¢.

——— Legal and constitutional phases of WRA program. Washington: Govt. Ptg. Off., 1946. 59 p. 30¢.

——— The relocation program. Washington, 1946. 105 p. (processed) 35¢.

——— Wartime exile: the exclusion of the Japanese Americans from the West coast. Washington, 1946. 167 p. (processed) 45¢.

Library of Congress

Communism in action. Documented study and analysis of communism in operation in Soviet Union, prepared at instance and under direction of Representative

- Everett M. Dirksen by legislative reference service . . . Washington: Govt. Ptg. Off., 1946. 141 p. (H. doc. 754, 79th Cong., 2d sess.) 25¢
- China: A selected list of references on contemporary economic and industrial development, with special emphasis on postwar reconstruction. Revised edition. Comp. by Helen F. Conover. 118 p. (processed)
- Japanese in the United States: a selected list of references. Comp. by Helen Dudenbostel Jones. Washington, 1946. 118 p. (processed)
- Biographical sources for foreign countries. II. Germany and Austria. Comp. by Nelson R. Burr. [1945 edition, reissued without change] Washington, 1946. 211 p. (processed)

Navy Department

- Bureau of medicine and surgery.* Manual on the Geneva convention and naval medical liaison with the American Red Cross. Washington; Govt. Ptg. Off., 1946. 38 p.
- Judge advocate general.* Laws relating to Navy annotated, in force Jan. 1, 1945. Washington: Govt. Ptg. Off., 1945. [1946] 2094 p.
- . 1945 supplement . . . in force Jan. 1, 1946. Washington: Govt. Ptg. Off., 1946. v. 4, 268 p.
- Naval operations, Assistant chief.* Report to United Nations on Guam, American Samoa, and other island possessions administered by the Navy department. Washington, 1946. 56 p. (processed) (OPNAV-P22-100)
- Naval war college.* International law documents, 1944-45; [prepared in collaboration with Payson Sibley Wild, Jr.] Washington: Govt. Ptg. Off., 1946. 266 p. \$1.00.

State Department

- International civil aviation conference.* Plano para aviação civil mundial, Conferência internacional de Aviação de Chicago em 1944 . . . Washington: Govt. Ptg. Off., 1946. 140 p. [Includes final act and certain related documents of the Conference.]
- Papers relating to the foreign relations of the United States, 1931. Washington: Govt. Ptg. Off., 1946. 2v. (Volume 1 is reviewed in the Department of State Bulletin, December 1, 1946; volume 2 in the issue of December 8, 1946.)
- The following in the numbered series of State Department publications have appeared; all from the Government Printing Office, 1946
2490. The United Nations conference on international organization . . . Selected documents. Conference series 83. 992 p. \$2.75.
2536. Anglo-American committee of inquiry. Report to the United States government and His Majesty's government in the United Kingdom, Lausanne, Switzerland, April 20, 1946. 92 p.
2579. Report of the United States education mission to Japan. 62 p.
- 2589, 2597, 2623, 2631, 2634, 2627, 2621, 2633, respectively, are Foreign affairs outlines nos. 6-12, supplied free on application.
2613. Trial of Japanese war criminals. 104 p. 20¢.
- Departmental committee on scientific and cultural coöperation. 45 p. 15¢.
2614. The textile mission to Japan. 39 p.
2622. Activities of the interdepartmental committee on scientific and cultural coöperation, June 30, 1945. 45 p. 15¢.
2628. Report of the mission on Japanese combines. Part I, Analytical and technical data. 230 p. (processed) 75¢.

2635. Report of the U. S. national commission for UNESCO. 27 p. 10¢.
2640. Private enterprise in the development of the Americas. 14 p. 10¢.
2651. Foreign policies; their formulation and enforcement, by Loy W. Henderson. 20 p.
2661. The international control of atomic energy. Scientific information transmitted to the U.N. atomic energy commission, June 14, 1946–Oct. 14, 1946. Prepared in the office of Mr. Bernard Baruch. 195 p. 30¢. (The descriptive matter announcing this publication is rather confusing, stating as it does that the report is in six volumes. The six volumes are all in this one pamphlet of 195 p. Another publication announced, but not published at press time, is *Growth of a Policy* (International control of atomic energy, "the first full-length study of United States policy on international control of atomic energy," to be published in January, 1947, at 45¢.)
2662. The new Republic of the Philippines, by Edward W. Mill. 16 p.
2663. Fundamentals of U. S. trade policy, by Clair Wilcox, 14 p.
2664. Report of the United States education mission to Germany. 50 p. 15¢.
2669. United States and Italy, 1936–1946. Documentary record, 236 p. map. 65¢.
2670. U. S. aims and policies in Europe, by the secretary of state. 12 p.
2671. Occupation of Japan; policy and progress. 173 p. 35¢.
2672. Products on which possible tariff concessions will be considered in reciprocal trade agreement negotiations. 82 p.
2682. Report on the Paris peace conference, by the Secretary of State, 14 p. 5¢.
2700. A new instrument of U. S. foreign policy, by assistant secretary Benton, 16 p. 10¢. (Discusses the office of international information and cultural affairs.)

Tennessee Valley Authority

Technical library. Congressional hearings, reports, and documents relating to TVA, 1933–1946 [mimeographed bibliography.] Alice M. Norwood, comp. Knoxville, Tenn., 1946. 53 p.

War Department

Atomic bombs. U. S. Strategic bombing survey: Effects of atomic bombs on Hiroshima and Nagasaki . . . Washington: Govt. Ptg. Off.: 1946. 46 p. Maps. 45¢.

STATE AND TERRITORIAL

ALABAMA

- Legislative reference service.* Alabama state printing; a study of state printing administration in Alabama. Prepared at the request of the state's legislative council. Montgomery, 1946. 39 p. (mim.) (Publication no. 5.)
- Compulsory support for the illegitimate child, an analysis of the provisions of Alabama's laws. Montgomery, 1946. 27 p. (mim.) (Publication no. 4.)
- University of Alabama, University. Bureau of business research.* The financial effects of business taxes [by] Russell E. Larcom. University, 1946. 48 p.
- *Bureau of public administration.* The units of government in Alabama, by Joseph W. Reid, Jr., University, 1946. 27 p. maps, charts, tables. (Publication no. 22.)

ARKANSAS

University of Arkansas, Fayetteville. Bureau of Research. Financial survey of Pulaski county, Arkansas [by] Frederick L. Deming . . . Fayetteville, 1946. 10 p. charts. (Information series no. 2.)

CALIFORNIA

Board of equalization. County general property tax: Total levy, delinquency, and per cent of delinquency, fiscal years 1928-29 to 1944-45. Sacramento, 1946. 1 leaf (mim.)

——— Municipal general property tax: per cent of delinquency in each municipality, fiscal years 1939-40 to 1943-44. Sacramento, 1946. 7 p. (mim.)

Legislature. Constitution of the state of California, 1946, annotated. . . Sacramento, 1946. 1728 p.

Los Angeles. Bureau of budget and efficiency. Organization, administration, and financial data. Los Angeles, 12. City Hall. 1946. 12 p. tables. map.

CONNECTICUT

Legislative council. Report, Nov. 20, 1946. Hartford, 1946. 108 p. (Most of this first report is devoted to a study of legislative procedure in Connecticut; the remainder to miscellaneous topics of interest to legislators.)

ILLINOIS

Legislative council, Research dept. State personnel administration in Illinois . . . Springfield, 1946. 59 p. (mim.) (Publication no. 75.)

——— Veterans rehabilitation legislation . . . Springfield, 1946. 37 p. (mim.) (Publication no. 76.)

University of Illinois, Urbana. Scientific proof and relations of law and medicine (first and second series) A symposium series on law-science problems with particular reference to law-medicine problems. Editor-in-chief, Hubert W. Smith. Urbana, 1946. 26 p.

INDIANA

Indiana University, Bloomington. Bureau of governmental research. A manual for county auditors of Indiana, by Pressly S. Sikes. Bloomington, 1946. 208 p.

KANSAS

University of Kansas, Lawrence. Bureau of government research. Your government. Vol. 1, no. 2: City elections in Kansas. Lawrence, 1946. 4 p.

MARYLAND

Commission on the distribution of tax revenues. Report. Baltimore [?], 1946. 158 p. (A comprehensive report by a special commission, on sources and distribution of tax revenues for the state of Maryland.)

NEBRASKA

Legislative council. Report of the Nebraska legislative council, Sub-committee on district court . . . Lincoln, 1946. 25 p. (mim.)

——— Report . . . on municipal budget law . . . Lincoln, 1946. 25 p. (mim.)

NEW JERSEY

Special deputy attorney-general. Absolute immunity of grand juror members from damage suits arising out of the performance of their historic supervisory functions over public affairs. The function of the New Jersey attorney-general in the defense of grand jurors. Opinion of Henry E. Ackerson, circuit judge of New Jersey. Jersey City [?], 1946. 19 p.

NEW YORK

Commission against discrimination. Review of first year's operation . . . July, 1945-July 1946. New York, 270 Broadway, 1946. 15 p.

OHIO

State University, Columbus. Bureau of business research. Russian-American trade; a study of the Soviet foreign-trade monopoly, by Mikhail V. Condoide. Columbus, 1946. 160 p., charts, tables.

OREGON

Tax study commission. Economic development and fiscal capacity of the state of Oregon. 3d preliminary research report . . . by S. J. Barrick . . . Salem, 1946. 98 p. (mim.)

——— Financing state and local government in Oregon. 4th preliminary research report . . . by S. J. Barrick . . . Salem, 1946. 34 p. (mim.)

——— Tax advantages and disadvantages of community property laws. 2d preliminary research report . . . by S. J. Barrick . . . Salem, 1946. 39 p. (mim.)

University of Oregon, Eugene. Bureau of municipal research and service. Comparative property tax rates in Oregon cities, 1946-47. Eugene, 1946. 11 p. (mim.) (Coöperating with the league of Oregon cities and the Oregon finance officers' assoc.)

PUERTO RICO

Planning, urbanizing, and zoning board, Santurce. La junta de planificación y los gobiernos municipales. San Juan, 1946. 16 p.

VERMONT

University of Vermont, Burlington. Agricultural experiment station. An economic study of local government in 50 Vermont towns. J. J. Dallen and S. W. Williams. Burlington, 1946. 48 p. (Bulletin 532.)

WASHINGTON

University of Washington, Seattle. Bureau of public administration. 1945 salary rates for municipal positions in the state of Washington, compiled by Donald C. Sampson. Seattle, 1946. 19 p. (mim.) (Report no. 64.)

WISCONSIN

Governor. Executive report to the citizens of Wisconsin . . . W. S. Goodland, governor. Madison, 1946. 162 p.

FOREIGN AND INTERNATIONAL

ARAB OFFICE

The problem of Palestine; evidence submitted by the Arab Office, Jerusalem, to the Anglo-American committee of inquiry, March, 1946. Washington, D. C., Wardman Park Hotel, 1946. 15 p.

The League of Arab states. Washington, Wardman Park Hotel, 1946. 50 p. illus. (Arab news bulletin, vol. 1, nos. 7-9. A brief description of each of the eight states comprising the League. More illustrations than text.)

ARGENTINA

Foreign affairs ministry. Three statements on the international policy of Argentina, by J. I. Cooke, minister. Buenos Aires, 1946. 39 p.

——— Boletín del Ministerio de relaciones exteriores y culto de la Nación Argentina. (The Ministry began the publication of a new monthly bulletin in January 1946.)

BELGIUM

Ministry of justice. War crimes commission. War crimes committed during the invasion of the national territory, May, 1940. The destruction of the library of the University of Louvain. Liège, Georges Thone, 1946. 35 p. illus.

CANADA

Royal commission on administrative classifications in the public service. Rapport . . . Ottawa, E. Cloutier, 1946. 37 p.

Royal commission to investigate the facts relating to and the circumstances surrounding the commission, by public officers and other persons in positions of trust, of secret and confidential information to agents of a foreign power. Report . . . Ottawa, King's Printer, 1946. 733 p. \$1.00.

CHILE

Universidad de Chile. Alterman Paikin, Leon: El movimiento demográfico en Chile. Santiago de Chile, 1946. 67 p. (thesis)

——— Bianchi Yuraszeck, Rene de la: Bosquejo histórico de las relaciones chileno-norteamericanas durante la Independencia. Santiago de Chile, 1946. 80 p. (thesis)

——— Gallo Chinchilla, Margarita: La mujer ante la legislación chilena. Santiago de Chile, 1945. 160 p. (thesis)

COLOMBIA

Ministerio de gobierno. Departamento de territorios nacionales. Regimen político y administrativo de los territorios nacionales. Bogotá, Imprenta nacional, 1946. 68 p.

GREAT BRITAIN

Attorney-General. Trial of German major war criminals: proceedings of the International military tribunal, Nuremberg, Germany, November 20, 1945–December 1, 1945. pt. 1. London: H. M. S. O., 1946. 327 p. 15.

Colonial Office. Trusteeship: territories in Africa under United Kingdom mandate. London: H. M. S. O., 1946, 11 p. (Cmd. 6935)/2.

Foreign Office. United Nations relief and rehabilitation administration. Resolutions adopted by the Council . . . Washington, D. C. . . . and at Geneva . . . London: H. M. S. O., 1946. 16 p. (Cmd. 6930)/3.

Prime minister. Central organisation for defence. London: H. M. S. O., 1946 12 p. (Cmd. 6923)/2.

GUATEMALA

Congreso. Decreto número 93: Ley del organismo ejecutivo. Guatemala, Tip. nac., 1946. 39 p.

HONDURAS

Presidente. Mensajes presidenciales del doctor y general Tiburcio Carías A., 1933–45. Tegucigalpa, 1946. 297 p.

IRAQ

Committee of officials. An introduction to the past and present of the kingdom of Iraq. 1946. 118 p. map. (Distributed by Arab Office, Wardman Park Hotel, Washington, D. C.)

NETHERLANDS

Netherlands information bureau, New York. Roman Dutch law, by B. Landheer. New York, Netherlands information bureau, 10 Rockefeller Plaza, 1946. 12 p. (Reprinted from Iowa Law Review, May, 1946.)

NEW ZEALAND

Executive affairs department. The League of nations: report of the New Zealand delegates on the adjourned 20th and the 21st (final) session of the Assembly . . . Geneva, April 8-18, 1946. Wellington, 1946. 20 p. (Pub. no. 19)/9.

SCOTLAND

Secretary of state. Committee on legal advice. Report. Edinburgh: H. M. S. O., 1946, 31 p. (Cmd. 6925)/5.

UNION OF SOVIET SOCIALIST REPUBLICS

Statement of V. M. Molotov to the Soviet press on the results of the Paris conference of the council of foreign ministers, May 27, 1946. Washington, D. C., Embassy of the U.S.S.R. 15 p.

Embajada . . . México, D.F. Cuarto plan quinquenal de restauración y fomento de la economía nacional de la U.R.S.S., 1946-50. Mexico, D.F., 1946. 52 p. illus., tables, maps. (The fourth five-year plan.)

URUGUAY

Ministerio de relaciones exteriores. Conferencia interamericana sobre problemas de la guerra y de la paz. México-Chapultepec, 21 de febrero-8 de marzo de 1945. Montevideo, 1946. 223 p.

——— Paralelismo entre la democracia y la paz. Protección internacional de los derechos del hombre. Acción colectiva en defensa de esos principios. Montevideo, 1946. 174 p.

PAN-AMERICAN UNION

Inter-American conference of experts on copyright, Washington, D. C. Actas y documentos. Washington, D. C., Unión panamericana, 1946. 185 p. (mim.)

Interamerican conference on problems of war and peace. Anteprojeto de declaração dos direitos e deveres internacionalis do homen e relatório anexo . . . Washington, 1946.

The United States and Latin America. A survey of recent changes in the relations between the United States and the other American republics. Washington, 1946. 32 p. (mim.)

UNITED NATIONS

List of delegations to the second part of the first session of the general assembly. New York, 1946. 72 p.

Department of public information. Scientific and technical aspects of the control of atomic energy. Lake Success, N. Y., 1946. 42 p. 25¢.

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

ARTHUR W. MACMAHON
Columbia University

First Vice-President

QUINCY WRIGHT
University of Chicago

Second Vice-President

V. O. KEY, JR.
Johns Hopkins University

Third Vice-President

CHARLES FAIRMAN
Stanford University

Secretary-Treasurer

KENNETH COLLEGROVE
Northwestern University

Assistant Secretary- Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers *ex-officio*

EDWARD F. DOW
University of Maine

ROBERT J. HARRIS
Louisiana State University

JOHN G. HEINBERG
University of Missouri

WALTER H. C. LIVES
U. S. Bureau of the Budget

CHESTER C. MAXEY
Whitman College

RALPH J. BUNCHE
Howard University

ROBERT H. CONNERY
Stanford University

CHARLES MCKINLEY
Reed College

C. PERRY PATTERSON
University of Texas

HAROLD S. QUIGLEY
University of Minnesota

TAYLOR COLE
Duke University

GEORGE A. GRAHAM
Princeton University

LEWELLYN FRANKUOHN
University of Wisconsin

JOHN A. VIEG
Pomona College

BELLE ZELLER
Brooklyn College

FORMER PRESIDENTS

FRANK J. GOODNOW

ALBERT SHAW

FREDERIC N. JUDSON

JAMES BRYCE

A. LAWRENCE LOWELL

WOODROW WILSON

SIMON E. BALDWIN

ALBERT BUSHNELL HART

W. W. WILLOUGHBY

JOHN BASSETT MOORE

ERNST FREUND

JESSE MACY

MUNRO SMITH

HENRY JONES FORD

PAUL S. REINSCH

LEO S. ROWE

WILLIAM A. DUNNING

HARRY A. GARFIELD

JAMES W. GARNER

CHARLES E. MERRIAM

CHARLES A. BEARD

WILLIAM B. MUNRO

JESSE S. RESERVE

JOHN A. FAIRLIE

BENJAMIN F. SHAMBAUGH

EDWARD S. CORWIN

WILLIAM F. WILLOUGHBY

ISIDOR LOEB

WALTER J. SHEPARD

FRANCIS W. COKER

ARTHUR N. HOLCOMBE

THOMAS REED POWELL

CLARENCE A. DYKSTRA

CHARLES GROVE HAINES

ROBERT C. BROOKS

FREDERIC A. OGG

WILLIAM ANDERSON

ROBERT E. CUSHMAN

LEONARD D. WHITE

JOHN M. GAUS

WALTER F. DODD



The American Political Science Review

VOL. XLI

APRIL, 1947

NO. 2

THE CRIMINALITY OF AGGRESSIVE WAR

LEO GROSS

Fletcher School of Law and Diplomacy

The judgment delivered on September 30, 1946, by the International Military Tribunal brought to a close the first prosecution instituted under the London Agreement of August 8, 1945, entered into by the governments of the United States, France, Great Britain, and the U.S.S.R. But the publication of the judgment stirred a new wave of sharp criticism of the moral and legal foundations of the Nuremberg Trial. The charge that the Tribunal itself, as well as the substantive law which it applied, was *ex post facto* was renewed with vigor. So was the charge that no real justice was done at Nuremberg, because vanquished war criminals only were brought before the Tribunal and no attempt was made to try alleged war criminals of the victorious nations.

The latter charge naturally makes a strong appeal to public opinion. It would be difficult to dispute the soundness of this sentiment on any except technical grounds.¹ The ends of a true international legal order in time of peace as well as in time of war would unquestionably be better served if equal justice were meted out to all offenders against the law of nations, irrespective of whether the ultimate fortune of battle placed them in the camp of the victor or of the vanquished.² Ideally, victory should confer upon war criminals no immunity nor automatic amnesty.

The charge that from both the procedural and the substantive point of view the Nuremberg Trial was *ex post facto*, or retroactive,

¹ Sheldon Glueck, *The Nuremberg Trial and Aggressive War* (1946), pp. 98-99, 119-121.

² Charles Cheney Hyde, "Punishment of War Criminals," *Proceedings of the American Society of International Law*, Vol. 37 (1943), p. 43 f.; Sheldon Glueck, *War Criminals; Their Prosecution and Punishment* (1944), p. 116.

goes, of course, to the very heart of the matter. Counsel for defense urged this point before the Tribunal.³ The supporters of the legality of the trial concentrated their efforts on disproving the soundness of this defense. To this end, they undertook to prove that by 1939 there had developed a customary rule of international law making the initiation and waging of aggressive war not merely illegal but also a criminal act. If this is assumed to be correct, then the substantive international law applied by the Tribunal was not *ex post facto*; on the contrary, the criminality of aggressive war and of individual responsibility formed part of positive international law at the time of the German attack on Poland on September 1, 1939. However, even if this assumption were made, there would still remain the objection that the adjective law was *ex post facto*. This, by comparison, may appear a relatively minor point. Indeed, the creation of the Tribunal and its rules of procedure is so obviously *ex post facto* that a degree of formal retroactivity seems to be admitted.⁴ This leaves for further examination and discussion the assertion that the substantive law of the International Military Tribunal as formulated in Article 6, paragraph (a), of the Charter was *ex post facto*.⁵ No attempt will be made here to discuss the ques-

³ Cf. "Judgment of the International Military Tribunal for the Trial of German Major War Criminals, Nuremberg, 30th September and 1st October, 1946," in *British Parliamentary Papers*, Misc. No. 12 (1946), Cmd. 6964, p. 38. Hereinafter referred to as the *Judgment*.

⁴ Thus Glueck, *The Nuremberg Trial and Aggressive War*, p. 91. Sir Hartley Shawcross, Chief Prosecutor for Great Britain and Northern Ireland, argued before the Tribunal: "There is thus no substantial retroactivity in the provisions of the Charter. It merely fixes the responsibility for a crime already clearly established as such by positive law, upon its actual perpetrators." "The Trial of German Major War Criminals," *Proceedings before the International Military Tribunal*, Part 2, p. 57 (Published under the Authority of H.M. Attorney-General by His Majesty's Stationery Office, 1946), hereinafter referred to as *Proceedings*. But even procedural retroactivity is denied by the Tribunal. Arguing *de minore ad maiorem*, and relying upon the precedent of the Hague Convention of 1907 respecting the Laws and Customs of War on Land, the Tribunal declared that although the Kellogg-Briand Pact "does not expressly enact that such wars [of aggression] are crimes, or set up courts to try those who make such wars," it was nevertheless possible to try and punish individuals for violations of the Pact just like individuals have in the past been tried and punished by military tribunals for violations of rules of land warfare. *Judgment*, p. 40. The validity of this analogy is not immediately clear.

⁵ The relevant text of Article 6 of the Charter is as follows: "The Tribunal established by the agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes."

tion whether war crimes *stricto sensu* and crimes against humanity as defined in paragraphs (b) and (c) of Article 6 of the Charter formed part of international law before or on September 1, 1939, or at any subsequent time prior to the Agreement of October 8, 1945.^{5a}

In his capacity as Chief Counsel for the United States in prosecuting the principal Axis war criminals, Mr. Justice Jackson said that we could not deny "that our own day has its right to institute customs and to conclude agreements that will themselves become sources of a newer and strengthened international law." On the other hand, he maintained that "by the time the Nazis came to power it was thoroughly established that launching an aggressive war or the institution of war by treachery was illegal and that the defense of legitimate warfare was no longer available to those engaged in such an enterprise. It is high time that we act on the juridical principle that aggressive war-making is illegal and criminal."⁶

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) Crimes against peace: namely, planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing." *Trial of War Criminals*. Department of State, Publication 2420, 1945, p. 16.

^{5a} This paper is not concerned with the question whether it was just to try and punish Nazi war criminals or whether the maxim *nullum crimen sine lege, nulla poena sine lege* has a moral or legal, a subjective or objective, significance. These questions are discussed briefly by the Tribunal, *Judgment*, p. 39, and more extensively by Glueck, *op. cit.*, pp. 71 ff., and by Mr. Henry L. Stimson in "The Nuremberg Trial: Landmark in Law," *Foreign Affairs*, Vol. 25 (1947), p. 183. Also the extent to which states, and even their nationals, may be punished for engaging in an illegal war falls outside the compass of the present study. But the Tribunal declared that "the undoubted right" of the countries to which the German Reich unconditionally surrendered "to legislate for the occupied territories has been recognized by the civilized world." *Judgment*, p. 38. If international law recognizes the right of conquest, it may be arguable that it is within the power of the victor to impose upon the enemy measures short of total extinction, provided that in so doing the victor does not infringe an established principle of international law. This paper is mainly concerned with the reasoning by which the U. S. Chief of Counsel, Mr. Robert H. Jackson, and Professor Glueck have supported the law set forth in the Charter of the Tribunal. Incidentally, it suggests an alternative approach.

⁶ "Report of Robert H. Jackson to the President, released by the White House on June 7, 1945," *Trial of War Criminals*, p. 9, and *Proceedings*, Part I, p. 81. The Tribunal also stressed the dynamic character of international law and, adopting the thesis urged upon it by the prosecution, declared "that resort to a war of aggression is not merely illegal, but is criminal." *Judgment*, p. 41. However, whereas Mr. Justice Jackson claims that the principle referred to above had been in existence at the time the Nazis came to power, the Tribunal held that the Charter "is the ex-

Mr. Justice Jackson developed the thought that "unjustifiable war" is a crime upon the basis of, and in reliance upon, the Kellogg-Briand Pact, the Geneva Protocol of 1924 for the Pacific Settlement of International Disputes, the Resolution of the Eighth Assembly of the League of Nations of 1921, and the Resolution adopted by the twenty-one American Republics at the Sixth Pan-American Conference held at Havana in 1928.⁷

Similarly, Professor Glueck, while affirming the authority of the United Nations "as an act of the will of the conqueror" to frame and adopt the Charter of the International Military Tribunal, undertakes to show "that the time has arrived in the life of civilized nations when an international *custom* has developed to hold aggressive war to be an international crime."⁸ If the existence of such a custom could be proved, those lawyers "who insist that it is 'illegal' and '*ex post facto*' to regard aggressive war as a crime and to hold individual members of a Government responsible for such a crime"⁹ would be convinced that their apprehensions or charges are without foundation in international law.

Somewhat along the lines of Mr. Justice Jackson's thought, Professor Glueck relies on the Kellogg-Briand Pact, the draft Treaty of Mutual Assistance of 1923, the Geneva Protocol of 1924, the League of Nations Resolution of 1921, the Havana Resolution of 1928, the General Convention of Inter-American Conciliation of 1928, and the Anti-War Treaty of Non-Aggression signed at Rio de Janeiro on October 10, 1933,¹⁰ known as the Saavedra Lamas Pact. In addition, Professor Glueck refers to one or two unofficial statements¹¹ and to certain of the Hague Conventions of 1899 and 1907 and the Geneva Conventions of 1929 relative to the treatment of prisoners of war and for the amelioration of the condition of wounded and sick of armies in the field, respectively.¹²

pression of international law existing at the time of its creation," that is, in 1945. *Judgment*, p. 38. This is a significant discrepancy. As the violation of the Kellogg-Briand Pact by Germany occurred in 1939, the existence of the alleged principle should have been traced back to that period.

⁷ *Trial of War Criminals*, p. 10. See also *Proceedings*, Part I, p. 81.

⁸ Glueck, *op. cit.*, pp. 25, 26. See also *ibid.*, pp. 34, 45.

⁹ *Ibid.*, p. 25.

¹⁰ *Ibid.*, pp. 28-32. The Tribunal supports its thesis by the Pact of Paris, the draft Treaty of Mutual Assistance, the Geneva Protocol, the Assembly Resolution of 1927, the Havana Resolution of 1928, the Treaty of Versailles, and the case *Ex parte Quirin* decided by the United States Supreme Court in 1942. *Judgment*, p. 40 f.

¹¹ *Ibid.*, pp. 32-34.

¹² *Ibid.*, pp. 27, 28. The prosecution in the Japanese War Crimes Trial adopted

It goes without saying that the norms of positive international law are derived chiefly from custom as well as from treaty. The only question is whether there is sufficient evidence to prove the existence of a customary norm or principle of international law to the effect that aggressive war is an international crime. Unofficial statements are hardly relevant in this connection. They illustrate at best a trend in professional circles or in public opinion. The Hague and Geneva Conventions were designed to reduce the unavoidable suffering involved in warfare; to that extent, they may be said to have shaped the *ius in bello* without attempting to regulate extensively the *ius ad bellum*.

The Kellogg-Briand Pact, while it condemned recourse to war for the solution of international controversies, fails to make the violation of this declaration a crime under international law. The Pact also contains no evidence that a violation of the self-denying ordinance—not to resort to war as an instrument of national policy—would be considered as a crime under the Pact or under general international law. These two omissions are of some significance, since the draftsmen of the Pact, or at least some of them, must have been conversant with the Assembly Resolution of 1927 and the terms of the draft Treaty of Mutual Assistance of 1923 and of the Geneva Protocol of 1924. Here there was a rare opportunity to establish the rule that henceforth resort to aggressive war, or to war as an instrument of national policy, or as an instrument of solving international controversies, shall be deemed to constitute an international crime. The opportunity was not seized. This solemn treaty, duly signed and ratified or adhered to by the great majority of the members of the family of nations, lends no support to the view that aggressive war is a crime in the precise meaning of the term. On the contrary, far from viewing the violation of the declarations and obligations incorporated in the Pact as an international crime, the High Contracting Parties were content to declare in the preamble of the Pact that “any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty.” This was an important though primarily negative clarification of the status of the treaty-breaking state: such a state could not use the Pact as a shield against appropriate action by the other signa-

a similar trend of thought. Cf. “Trial of Japanese War Criminals,” Department of State, Publication 2613 (1946), p. 14 f.

tories. In view of the fundamental and unconditional obligation not to use war as an instrument of national policy, such a clarification was useful in removing any possible doubt in the matter.¹³ Beyond this, the Pact neither specifies nor limits the sanctions which the opposing signatories may decide to impose upon the violators. They are free to act within the limits of international law.

Unofficial proposals for implementing the Kellogg-Briand Pact made by individual writers, and notably by the International Law Association,¹⁴ are not relevant to this context. Moreover, it is conceded that both the responsible statesmen and writers as well "were far from regarding it as an international penal statute."¹⁵ A resort to war in violation of the Kellogg-Briand Pact may properly be regarded as illegal, but not as criminal.¹⁶ If the violation of the Pact cannot be regarded as an international crime, then the Pact must be struck from the list of instruments which have recently come to be construed as having contributed a legal foundation to the formation of a customary or conventional international norm making aggressive war a criminal offense.

On September 29, 1923, the Assembly of the League of Nations unanimously adopted a Resolution requesting the Council "to submit the draft Treaty of Mutual Assistance to the Governments for their consideration, asking them to communicate their views in regard to the aforesaid draft Treaty."¹⁷ Article 1 of the draft reads: "The High Contracting Parties solemnly declare that aggressive war is an international crime and severally undertake that no one of them will be guilty of its commission."¹⁸

It is not clear whether the term "international crime" was used

¹³ See note of the French Ambassador to the Secretary of State, Mar. 30, 1928, *Treaty for the Renunciation of War*. Department of State Publication No. 468, 1933, p. 27; note of the British Secretary of State for Foreign Affairs to the American Ambassador, May 19, 1928, *ibid.*, p. 44; address by M. Aristide Briand, French Minister of Foreign Affairs, delivered at Paris, Aug. 27, 1928, preceding the signing of the Treaty, *ibid.*, p. 314. See also James T. Shotwell, *War as an Instrument of National Policy* (1929), pp. 220-226.

¹⁴ Cf. Quincy Wright, "The Meaning of the Pact of Paris," *American Journal of International Law*, Vol. 27 (1933), pp. 39-61; H. Lauterpacht, "The Pact of Paris and the Budapest Articles of Interpretation," *Transactions of the Grotius Society*, Vol. 20 (1935), pp. 178-202, particularly at p. 181 f. and p. 186; International Law Association, *38th Report* (1934), p. 66.

¹⁵ Glueck, *op. cit.*, p. 19.

¹⁶ Thus Glueck, *ibid.*, p. 21.

¹⁷ League of Nations, *Official Journal*, Sp. Supp. No. 13 (1923), p. 154.

¹⁸ *Ibid.*, p. 403.

in the technical sense or as the expression of a general moral reprobation. No evidence has been adduced that the former sense was intended. It is significant, however, that none of the governments which submitted observations on the draft appeared to have been aware that in Article 1 a revolutionary departure from the prevailing attitude of the League towards the consequences of war was intended.¹⁹ It would seem, therefore, that until substantial evidence to the contrary is submitted, the 1923 draft Treaty cannot be of assistance in proving that League Members intended to regard a resort to aggressive war as an international crime in the technical sense of Article 6, paragraph (a), of the Charter of the International Military Tribunal.²⁰ The fact that the draft never became a binding treaty productive of legal obligations would tend further to reduce its value as a precedent, even if the term "international crime" were shown to have the technical meaning which is apparently attributed to it at the present moment.

The Geneva Protocol for the Pacific Settlement of International Disputes, unanimously adopted by forty-eight delegations present in the Assembly of the League of Nations on October 2, 1924, and opened for signature on the same date,²¹ asserts in the Preamble "that a war of aggression constitutes a violation of international solidarity and an international crime."²² Still in the Preamble, the desire is expressed "of ensuring the repression of international crimes." It is said that this Protocol "did express the strong attitude of leading jurists and statesmen of most of the nations of the world regarding both the illegality and the criminalism of aggres-

¹⁹ "Reduction of Armaments. Treaty of Mutual Assistance. Replies from Governments." Doc. A. 35. 1924. IX. The Finnish government, in its reply of Jan. 18, 1924, observed that "when the Committee describes as an international crime a war which violates the provisions of the Covenant, this is tautology as far as the members of the League are concerned, while the states non-members of the League would probably not recognize an act forbidden by the Covenant as an international crime unless it appears as such in the light of the general principles of international law." *Ibid.*, p. 5. ²⁰ But see Glueck, *op. cit.*, p. 28 f.

²¹ Assembly Resolution, Oct. 2, 1924, *Official Journal*, Sp. Supp. No. 23 (1924), p. 225. Mr. Justice Jackson's statement that the Geneva Protocol was "signed by the representatives of forty-eight Governments" (*Trial of War Criminals*, p. 10, and *Proceedings*, Part I, p. 80, is somewhat exaggerated. The Protocol was signed on behalf of nineteen Governments. Cf. "Signatures, Ratifications, and Accessions in respect of Agreements and Conventions Concluded under the Auspices of the League of Nations." Twenty-first List. *Official Journal*, Sp. Supp. No. 193 (1944), p. 155.

²² The term "international crime" in this context presumably refers to aggressive war. Cf. P. J. Noel-Baker, *The Geneva Protocol* (1925), p. 29.

sive war."²³ The use of the term "international crime" on two occasions, although only in the Preamble and not in any of the articles of the Protocol, is certainly significant. It remains to be seen whether here, any more than in the draft Treaty of 1923, the members of the League intended to attribute to the term "international crime" the technical meaning attributed to it now.

The comments of M. Politis and M. Beneš, two statesmen most intimately involved in the drafting of the Protocol, disclose no such intent. In view of the epochal importance now attributed to the words "international crime," it is surprising to find that M. Politis in his comment on the Preamble and on the condemnation of aggressive war did not find it necessary to draw the attention of the League members to the new approach to the problem of responsibility for aggressive war.²⁴ Nor is there any indication in the comments by M. Beneš that the punishment of the aggressor should thenceforth be based on the principle of individual criminality rather than, as theretofore, on the principle of collective responsibility. On the contrary, the references in the Protocol itself to the sanctions of Article 16 of the Covenant would seem to confirm the intention of the draftsmen to fit the Protocol into the framework of the Covenant.²⁵ In commenting upon the sanctions against an aggressor state, M. Beneš stresses Article 15 of the Protocol which introduces the idea that the cost of measures undertaken for the repression of aggression "shall be borne by the aggressor state up to the extreme limit of its capacity."²⁶ This statement does not permit of any other conclusion than that the Geneva Protocol, in spite of the words "international crime," was not intended to change the collective character of the sanctions provided for in Article 16 of the Covenant. If the latter have sometimes been referred to as "punitive" measures, "punitive" in such a context did not mean "criminal."

In the memorable words of M. Beneš, the purpose of the draftsmen of the Geneva Protocol was "to make war impossible, to kill it, to annihilate it."²⁷ To this purpose the "gaps" in the Covenant

²³ Glueck, *op. cit.*, p. 30.

²⁴ Cf. "General Report submitted to the Assembly on behalf of the First and Third Committees by M. Politis, Rapporteur for the First Committee, and M. Beneš, Rapporteur for the Third Committee." Doc. A. 125 (1). 1924. IX. *Official Journal*, Sp. Supp. No. 23, 1924, pp. 479 ff., at p. 482 f.

²⁵ But cf. Glueck, *op. cit.*, p. 30.

²⁶ Cf. "General Report," p. 495.

²⁷ *Ibid.*, p. 497.

were filled by establishing a comprehensive system of compulsory arbitration and an effective chain of sanctions. But this system included no penalty for individuals, and it certainly failed to implement the notion that aggressive war constitutes an international crime.

The Report of the British Delegates relating to the Geneva Protocol, November 1, 1924, would probably have drawn the attention of the British government to any intended revolutionary changes in the structure of international law and of the Covenant of the League. In the view of the British delegates, however, there was apparently no need for doing so; as for the Geneva Protocol, "so far as it contains anything new, it is to be found in the definition of aggression which follows as a necessary corollary to the limitations inserted in the establishment of a universal system of peaceful settlement. But even here the principle is not new."²⁸ Here—that is, in Article 10 of the Geneva Protocol—is the new feature; but even this apparent innovation is said to be merely an elaboration of the Covenant. Be that as it may, Article 10 certainly contemplated only states as aggressors, and only states could commit the crime of aggression.²⁹ The "guilt" of initiating and waging an aggressive war—that is, the guilt of committing the international crime mentioned in the Preamble of the Protocol—would be the guilt of a state. It could not be otherwise. The sanctions elaborated in Article 11 are quite logically conceived as collective measures directed against the "criminal"—that is, the aggressor state.

On the basis of this brief survey of preparatory work and contemporary opinion, it is difficult to accept the proposition that "the signature of the Protocol by the leading statesmen of the world, representing the vast majority of civilized states and peoples, is itself evidence of a strongly entrenched custom to regard aggressive war as an international crime."³⁰ It seems scarcely compatible with

²⁸ "League of Nations. Fifth Assembly. Report of the British Delegates relating to the Protocol for the Peaceful Settlement of International Disputes." *British Parliamentary Papers*, Misc. No. 21 (1924), Cmd. 2289, p. 8. Cf. D. H. Miller, *The Geneva Protocol* (1925), pp. 11, 23 f., 106–113. Mr. Miller examined the Geneva Protocol "primarily from the legal viewpoint" (*ibid.*, p. 3), and the fact that he virtually disregarded the condemnation of war as an international crime (*ibid.*, p. 54) may perhaps be interpreted as implying that, from a legal standpoint at any rate, no criminal-law principles have found their way into the Protocol.

²⁹ Noel-Baker, *op. cit.*, p. 114.

³⁰ Glueck, *op. cit.*, p. 29, note 14. It may be observed in passing that the Protocol was signed on behalf of no more than nineteen governments, which did not repre-

the requirements of sound juristic construction to put forward the mere repetition of the term "international crime" as evidence of a "strongly entrenched custom."

The Resolution adopted by the League of Nations Assembly on September 24, 1927, is regarded as a further link in the chain of events which are said to have contributed to the formation of an international custom to regard aggressive war as an international crime. In this Resolution, the Assembly expressed its conviction "that a war of aggression can never serve as a means of settling international disputes and is, in consequence, an international crime."³¹ In the view of Professor Glueck, this Resolution shows "how strong was the conviction that the time had arrived in the affairs of states and their peoples, to call a spade a spade."³² If he means thereby that the Assembly Resolution was intended to create a rule of international law making aggressive war an international crime in the technical sense of the word, such an interpretation finds no support in the words of the Rapporteur of the Third Committee, M. Sokal, who introduced the Resolution. M. Sokal reported to the Assembly that the Committee was of the opinion that the Resolution "would have a salutary effect on public opinion and would help to create an atmosphere favorable to the League's future work in the matter of security and disarmament." In order to dispel any possible doubt as to the interpretation to be placed upon the proposed resolution, M. Sokal made the following significant statement:³³ "While recognizing that the draft resolution does not constitute a regular legal instrument which would be adequate in itself and represent a concrete contribution towards security, the Third Committee unanimously agreed as to its great moral and educative value."

As author of the Resolution and as Rapporteur of the Third Committee, M. Sokal was certainly in a position to submit an au-

sent the vast majority of civilized states and peoples. It was signed on behalf of Albania, Belgium, Brazil, Bulgaria, Chile, Czechoslovakia, Estonia, Finland, France, Greece, Haiti, Latvia, Liberia, Paraguay, Poland, Portugal, the Kingdom of the Serbs, Croats and Slovenes, Spain, and Uruguay. Cf. "Signatures, Ratifications . . ." p. 155. The Tribunal repeats almost textually Professor Glueck's estimate of the Geneva Protocol. *Judgment*, p. 40. It thus repeats his error regarding "the vast majority of civilized states and peoples."

³¹ League of Nations, *Official Journal*, Sp. Supp. No. 54, 1927, p. 155.

³² Glueck, *op. cit.*, p. 31.

³³ League of Nations, *Official Journal*, Sp. Supp. No. 54, 1927, p. 155.

thoritative interpretation of the Resolution's sense and intent. There is no evidence that the members of the League interpreted the Resolution which they adopted in a different light, e.g., as productive of legal changes in the body of positive international law. On the basis of available evidence, the conclusion seems inevitable that no legal significance can be attached to that Resolution, and that the latter cannot serve to substantiate the far-reaching claims put forth on its behalf.³⁴ The attribution to the Assembly of legislative powers in the domain of international law would necessarily have to be based on two assumptions: first, that the Assembly was competent to create international law; and secondly, that the Assembly was competent to do so by means of resolutions. For both of these assumptions there is no foundation.^{34a}

It remains to consider some instruments adopted by the American Republics. At the Sixth International Conference of American States held at Havana in 1928, a Resolution on Arbitration and Conciliation was adopted in which the American Republics desired "to express that they condemn war as an instrument of national policy in their mutual relations."³⁵ In another Resolution on Aggression adopted at the same Conference, the American States, considering "that war of aggression constitutes an international crime against the human species," resolved that "all aggression is considered illicit and as such is declared prohibited."³⁶ It does not appear from the official Report of the American Delegation to that Conference that any particular importance or legal meaning was attached to the condemnation of war or to the declaration that it constituted an international crime.³⁷

Pursuant to the Havana Resolution, an International Confer-

³⁴ Cf. *ibid.*, p. 83, where M. Sokal explains the motives behind the draft resolution which he submitted to the Assembly. M. Sokal's proposal was discussed in the Third Committee. Cf. Minutes of the Third Committee, *Official Journal*, Sp. Supp. No. 57, particularly pp. 45-47. The statement of the delegate of the Netherlands, M. Loudon, is of special significance because it draws a clear line between the "great moral value" of the Polish proposal and "the outlawry of war in a more legal form." *Ibid.*, p. 46.

^{34a} Cf. Dietrich Schindler, "Die Verbindlichkeit der Beschlüsse des Völkerbundes" (1927), *passim*.

³⁵ James Brown Scott (ed.), *International Conferences of American States, 1889-1928* (1931), p. 437.

³⁶ *Ibid.*, p. 441 f.

³⁷ Cf. "Report of the Delegates of the U.S.A. to the Sixth International Conference of American States." U. S. Govt. Printing Office (1928), p. 26.

ence of American States on Arbitration and Conciliation was held in Washington in 1928-29. This Conference adopted the "General Convention of Inter-American Conciliation," the Preamble of which expressed the desire "to demonstrate that the condemnation of war as an instrument of national policy in their mutual relations . . . constitutes one of the fundamental bases of inter-American relations."³⁸ The Convention, however, deals with arbitration and conciliation and makes no attempt at implementing the condemnation of war. It may be pertinent to refer here to the cogent statement of the American delegate, Mr. Charles E. Hughes, in the Committee on Arbitration:³⁹ "We are not here to add to international law. We are not here to codify international law. We are not here to create, we have no power to create, additional rights under international law. We have no power to impose upon any state additional duties under international law. We are simply providing means for pacific settlement."

Finally, the Anti-War Treaty on Non-Aggression and Conciliation, signed at Rio de Janeiro on October 10, 1933, included in the Preamble a condemnation "of wars of aggression and territorial acquisitions that may be obtained by armed conquest." In Article I, the contracting parties "solemnly declare that they condemn wars of aggression in their mutual relations or those with other states."⁴⁰ This treaty, commonly known as the Saavedra Lamas Pact, is the American counterpart to the Kellogg-Briand Pact. Carlos Saavedra Lamas explained the purpose of the proposed Anti-War Pact in these terms: "The Argentine Government wishes thus to contribute to the uniform acceptance of the Kellogg-Briand Pact and, what is of greater importance, to its effective application through the conclusion among the South American Republics of a similar and coinciding agreement, intended to coöperate in the attainment of the same lofty aims."⁴¹ The Saavedra Lamas Pact is thus presented as an improved Kellogg-Briand Pact. The improvement, however, is not sought in the realm of penal sanctions against

³⁸ Scott, *op. cit.*, p. 455.

³⁹ "Proceedings of the International Conference of American States on Conciliation and Arbitration," Washington, Dec. 10, 1928-Jan. 5, 1929. U. S. Govt. Printing Office (1929), p. 614.

⁴⁰ U. S. Treaty Series, No. 906, 1936.

⁴¹ "The Anti-War Treaty proposed by Argentina and the Brazilian Reply," *Bulletin of the Pan American Union*, Apr., 1933, p. 320 ff., at p. 327.

individuals, but in the realm of methods and procedures for the peaceful settlement of international controversies.⁴²

The conclusion drawn by Professor Glueck from the above resolutions, treaties, and draft treaties is as follows:⁴³ "All these solemn expressions of the conviction of civilized States and statesmen regarding the need for conciliation, for the settlement of international disputes by pacific means only, for the renunciation of war as an instrument of national policy, and, logically, for the recognition that aggressive war is an international crime, greatly reinforce whatever inference to that effect is derivable from the Briand-Kellogg Pact itself. They may be regarded as powerful evidence of the existence of a widely prevalent custom among civilized peoples sufficient to energize a juristic climate favorable to the regarding of a war of aggression as not simply unjust or illegal, but downright *criminal*."

Mr. Justice Jackson, having made a somewhat less exhaustive review of the relevant documents, prefers to rely chiefly upon the Kellogg-Briand Pact, and he argues that a violation of this Pact "cannot be regarded as anything less than a crime against the international community." He concludes: "We therefore propose to charge that a war of aggression is a crime, and that modern international law has abolished the defense that those who incite or wage it are engaged in legitimate business."⁴⁴ The preparatory work, the intrinsic meaning of the acts in question, and contemporary opinion, it is believed, fail to substantiate any such far-reaching conclusions. The most that may be said is that governments on several occasions have used a terminology which, separated from its context and attending circumstances, can easily be misunderstood. It has indeed been said that "the concepts of crime, culpability, or responsibility" employed in connection with aggressive war "were concepts of national criminal law which could

⁴² *Ibid.*, p. 341 f.

⁴³ Glueck, *op. cit.*, p. 34. Similarly Sir Hartley Shawcross: "Thus there is no doubt that by the time the National Socialist State of Germany had embarked upon the preparation of the war of aggression against the civilized world, and by the time it had accomplished that design, aggressive war had become, in virtue of the Pact of Paris, and the treaties and declarations to which I have referred, illegal and a crime beyond all uncertainty and doubt. And it is on that proposition, and fundamentally on that Universal Treaty, the Briand-Kellogg Pact, that Count 2 of this Indictment is principally based." *Proceedings*, Part II, p. 54.

⁴⁴ *Trial of War Criminals*, p. 10. See also *Proceedings*, Part I, p. 80 f.

hardly be adapted to international relations."⁴⁵ Similarly, several governments expressed the opinion that "the desire to effect an extension of sanctions corresponding to the extension of the prohibitions of resort to war contained in the Covenant arose from pushing too far the analogy with the conception of crime and punishment in municipal law."⁴⁶

It is significant that Count 2 of the indictment against the Nazi defendants is not based upon the charge that they had violated "customary international law."⁴⁷ The charges preferred against them do not include the various resolutions and draft treaties which are said to have formed new customary international law in the matter of aggressive war and individual criminal responsibility. They include notably the Kellogg-Briand Pact and several other treaties, agreements, and assurances to which Germany was a party.⁴⁸ Under positive international law, a violation of these treaties, agreements, and assurances exposed Germany to such sanctions as the governments concerned should eventually determine as appropriate with a view to insuring, in the future, a greater degree of respect for international legal obligations.

In the formation of customary international law, the time element is, of course, important, but perhaps not exclusively controlling. A mere practice of states, a habit of doing things in a certain manner, no matter how long or how widely practiced; could not, it is submitted, create by itself new customary international law. The Permanent Court of International Justice, in the *Lotus* case, rejected the French attempt to derive a rule of positive international law regarding jurisdiction in collision cases from the practice of states by saying that the agent of the French government had merely succeeded in showing "that states had often, in practice, abstained from instituting criminal proceedings, and not that they recognized themselves as being obliged to do so." The Court went on to say: "For only if such abstention were based on their being conscious of having a duty to abstain would it be possible to speak

⁴⁵ Remarks made by Dr. Cohn, the delegate of Denmark, in the First Committee of the Tenth Assembly, on Sept. 17, 1929, in connection with the proposed amendment of the Covenant in order to bring it into harmony with the Kellogg-Briand Pact. *Official Journal*, Sp. Supp. No. 76 (1929), p. 29.

⁴⁶ "Report of the First Committee [Rapporteur M. Henri Rollin] to the Assembly." Doc. A. 86. 1931. V. *Official Journal*, Sp. Supp. No. 93 (1931), p. 220.

⁴⁷ But see Glueck, *op. cit.*, p. 36.

⁴⁸ *Trial of War Criminals*, Appendix C., p. 82-89.

of an international custom. The alleged fact does not allow one to infer that states have been conscious of having such a duty."⁴⁹ The same thought, of course, is at the root of Article 38, paragraph 2, of the Statute of the Permanent Court of International Justice, which reads: "International custom, as evidence of a general practice accepted as law."⁵⁰ The Statute of the International Court of Justice contains an identic clause in Article 38, paragraph 1(b). Westlake said: "Custom must not be confounded with mere frequency or even habit of conduct. In any state or society in which customary law is admitted, custom as a part of law means the conduct which is enforced as well as the strict or loose nature of the society allows . . . and which is followed as well from the fear of such enforcement as from the persuasion that the received rule requires such conduct to be followed. In other words, custom is that line of conduct which the society has consented to regard as obligatory."⁵¹ Thus the mere habit of repeating certain formulae must be distinguished from the practice or usage of states which is inspired by a sense of legal obligation. Little, if any, evidence of such practice has been offered in the matter of criminal responsibility of individuals for instituting wars of aggression.

Moreover, it is common ground for a majority of international lawyers that the law of nations is based upon the consent or acquiescence of states.⁵² It must be noted that the text of, and the circumstances attending, the resolutions, draft treaties, and treaties discussed above do not disclose on the part of the governments concerned the necessary consent to or acquiescence in the establishment of a new rule of international law making aggressive war a crime in the technical sense of the word.

Without stretching to the breaking-point the accepted notions of

⁴⁹ Permanent Court of International Justice, *Publications*, Series A, No. 10 (1927), p. 28.

⁵⁰ Judge Manley O. Hudson, commenting on this clause, said: "The elements necessary are the concordant and recurring action of numerous states in the domain of international relations, the conception in each case that such action was enjoined by law, and the failure of other states to challenge that conception at the time. The appreciation of these elements is not a simple matter, and it is a task for persons trained in law." *The Permanent Court of International Justice, 1920-1942* (1943) p. 609.

⁵¹ John Westlake, *International Law*, Vol. I (1910), p. 14; Charles Cheney Hyde, *International Law* (second ed.), Vol. I (1945), p. 11.

⁵² Green H. Hackworth, *Digest of International Law*, Vol. I (1941), p. 1 ff.; Hyde, *op. cit.*, p. 4 ff.

custom in international law, it does not seem admissible to deduce such a rule from mere pronouncements that aggressive war is condemned as international crime. Such pronouncements, significant as they undoubtedly are, were made, as M. Sokal explains, for their "moral and educative value."^{52a} Having regard to the usual circumspection of governments, it appears inconceivable that what may probably become the most revolutionary change in the history of modern international law should have been brought about in a haphazard manner and without thorough preparation or discussion, and without clearly expressed intent on the part of the governments concerned. For this reason, it would seem doubtful whether an international tribunal, displaying the traditional judicial caution in the administration of international law, would have found the Nazi defendants guilty of "crimes against peace" under customary international law.⁵³ For the same reason, the Charter of the International Military Tribunal cannot be regarded as merely receiving, confirming, or codifying an existing "international custom, as evidence of a general practice accepted as law."

Mr. Justice Jackson's contention "that the London Agreement only recognized an evolution that already had been consummated"⁵⁴ does not seem to be supported by sound evidence. It would be more in harmony with the teachings and practice of international law to say that the Charter created, *inter partes*, a new principle for which, this may be admitted, a favorable climate had been prepared in the

^{52a} The Tribunal, however, finds that the acts in question "may be regarded as strong evidence of the intention to brand aggressive war as an international crime." *Judgment*, p. 40.

⁵³ The value of the judgment of the International Military Tribunal, unsupported as it is by authority, as a precedent in international law is problematic. True it is that certain *dicta* of the Tribunal may be regarded as endorsing the views set forth by Messrs. Jackson and Glueck. It is, however, important to bear in mind that the Tribunal repeatedly declared that it was bound by the law established by the Four Powers in the Charter. Thus, with reference to Article 6 of the Charter, it stated: "These provisions are binding upon the Tribunal as the law to be applied to the case." And in a different context it said categorically that "the law of the Charter is decisive, and binding upon the Tribunal." Of significance is also the following: "The Charter makes the planning or waging of a war of aggression or a war in violation of international treaties a crime; and it is therefore not strictly necessary to consider whether and to what extent aggressive war was a crime before the execution of the London Agreement. But in view of the great importance of the questions of law involved, the Tribunal has heard full argument from the Prosecution and Defence and will express its views on the matter." *Judgment*, pp. 3, 38.

⁵⁴ Foreword to Professor Glueck's book, *The Nuremberg Trial and Aggressive War*, p. x.

inter-war period. In doing so, the Charter may be regarded as expressing a profound sense of justice and as adapting the traditional concept of the sanctions in international law to the more refined technique of law-enforcement prevailing in the municipal law of civilized communities. In making individuals responsible for fidelity to fundamental international law, it takes into account a widespread postulate that individuals should be made subjects of international law to a larger extent and on a more permanent basis than had been the case heretofore. The Charter may well come to be regarded as having blazed a new trail for "the firm establishment of the understandings of international law as the actual rule of conduct among governments."⁵⁶ But until this principle is generally accepted by states, there will be a period of transition from the traditional concept of collective responsibility for illicit conduct of states to the new concept of individual responsibility for crimes against international law.⁵⁶

It was perhaps with the desire to hasten this process that President Truman, in his opening address to the General Assembly of the United Nations on October 23, 1946, recalled that "twenty-three members of the United Nations have bound themselves by the Charter of the Nuremberg Tribunal to the principle that planning, initiating, or waging a war of aggression is a crime against humanity for which individuals as well as states shall be tried before the bar of international justice."⁵⁷ While this constitutes a strong endorsement of the Charter of the International Military Tribunal, one may well doubt whether the particular formulation chosen by the President lends support to the thesis advocated by Mr. Justice Jackson. Obviously in contradiction with that thesis, however, appears a statement made by Mr. Trygve Lie, Secretary-General of the United Nations, in his oral supplementary report to the General Assembly: "In the interest of peace and in order to protect mankind against future wars, it will be of decisive significance to have the principles which were employed at the Nuremberg trials, and according to which the German war criminals were sentenced, made a permanent part of the body of international law

⁵⁶ Preamble to the Covenant of the League of Nations.

⁵⁶ Hyde, *op. cit.*, p. 8 f. See also H. Lauterpacht, *The Development of International Law by the Permanent Court of International Justice* (1934), p. 103; W. Friedman, "International Law and the Present War," *Modern Law Review*, Vol. 3 (1941), p. 179 f.

⁵⁷ *Journal of the United Nations*, No. 13: Supp. A-A/P. V/34, p. 8.

as quickly as possible."⁵⁸ Here the Secretary-General seems to proceed on the theory, which is believed to be correct, that thus far the criminal responsibility of individuals for crimes against peace does not form part of international law. It is to be hoped that a way will be found, by amending the Charter of the United Nations or otherwise, to establish *pro futuro* rather than *pro praeterito*, as is the case in the Charter of the International Military Tribunal, the truly revolutionary principle of individual responsibility for crimes against peace.⁵⁹ This is a task of the highest importance, and one which can best be accomplished by that process known as international legislation. It cannot, it is submitted, be the task of international lawyers to attempt to remove "the inconsistencies and shortcomings of international law . . . by juristic effort, however well-meaning."^{59a}

Is it, then, in the light of the foregoing considerations, necessary, as has been thought by some critics of the Nuremberg Trial, to conclude that the trial was "illegal" because *ex post facto*? Illegal from the viewpoint of international law, or from that of the municipal law of one or the other states party to the London Agreement, of which the Charter of the International Military Tribunal forms

⁵⁸ *Journal of the United Nations*, No. 15: Supp. A-A/P. V/35, p. 24.

⁵⁹ The General Assembly of the United Nations, on Dec. 11, 1946, adopted unanimously a Resolution proposed by the United States Delegation in which it "affirms the principles of international law recognized by the Charter of the Nürnberg (*sic*) Tribunal and the judgment of the Tribunal" and "directs the Committee on the codification of international law . . . to treat as a matter of primary importance plans for the formulation, in the context of a general codification of offences against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nürnberg (*sic*) Tribunal and in the judgment of the Tribunal." *Journal of the United Nations*, No. 58: Supp. A-A/P. V./55, p. 485. The delegate of Cuba pointed out in the Sixth Committee (Legal Questions) that he could not vote for the proposed resolution "because it affirmed the principles of international law by a mere reference to them, without enumerating them explicitly. The Cuban delegation," he said, "thought that the adoption of principles of such importance should not be based on mere references, but should be the outcome of a thorough study of each of the principles concerned." *Journal of the United Nations*, No. 56: Supp. No. 6-A/C. 6/123, p. 127. For these reasons, the representatives of Cuba, Argentina, and Peru voted against the proposal in the Sixth Committee. *Journal of the United Nations*, No. 58: Supp. No. 6-A/C. 6/127, p. 129. See also Documents A/C. 6/116 and A/236. It should be noted that this Resolution followed the action of nineteen governments of the United Nations which had previously expressed their adherence to the London Agreement. Cf. *Judgment*, p. 1.

^{59a} Lauterpacht, *The Pact of Paris and the Budapest Articles of Interpretation*, p. 190.

an integral part? Obviously, the standard of comparison which must be adopted cannot be other than that of international law.

The relevant question then is: Is there in positive international law a rule, comparable to Article I, sec. 9, par. 3, of the Constitution of the United States, prohibiting *ex post facto* legislation? Those who affirm the illegality of the Nuremberg Trial⁶⁰ have not taken the trouble to prove the existence of such a restrictive rule. It would indeed be difficult to do so, for, as the Permanent Court of International Justice declared in the Lotus case, restrictions upon the independence of states cannot be presumed.⁶¹

Starting from this premise, the following line of reasoning might be adopted to justify the legality of the London Agreement. In a primitive society such as the international community, in which there are no centralized institutions for legislation, adjudication, and law enforcement, states must provide for their security as best they can, always acting within the accepted rules and principles of international law. To assert the existence of a prohibition to create new norms and endow them with retroactive effect would be a serious limitation upon the independence of states. Furthermore, such an assertion could be successfully maintained only if it were shown that there are in international law not merely substantive, but also formal, norms having the character of a constitutional or higher law which cannot be changed by the traditional process of treaty-making between independent states. This presupposes an analogy between international law and, e.g., the federal law of the United States, which is based on a written, enacted constitution. For such an analogy there appears to be no foundation in the theory of positive international law or in the practice of states. If an analogy must be drawn, it is suggested that the British constitution lends itself better for this purpose than the American. Although lacking a formal constitution in the American sense, there are in Great Britain principles and norms having constitutional character. But Parliament is supreme. An act of Parliament could not be held unconstitutional even if it materially altered or suspended some of the fundamental norms of the realm.⁶²

⁶⁰ Cf. writers cited in Glueck, *op. cit.*, p. 74, note 3. As mentioned above, Professor Glueck seems to deny substantive, but does not entirely rule out formal, retroactivity. *Ibid.*, p. 91.

⁶¹ Permanent Court of International Justice, *Publications*, Series A, No. 9, p. 18.

⁶² See Frederic A. Ogg, *European Governments and Politics* (2nd ed., 1945), p. 36 f.: "Leaving out of account practical and moral restraints which operate power-

A similar situation may be said to prevail in common international law. States are bound by the body of international law. But at the same time they are, like Parliament, supreme law-makers. A treaty may be said to derogate a custom and a later treaty to derogate an earlier treaty between the parties concerned. Thus, even if *ex post facto* norms were prohibited by international law, which has been denied,⁶³ it could be argued that states may depart from this prohibition by mutual consent without committing an illicit act.

If this line of reasoning were accepted as admissible, a good deal of current criticism might have been avoided if the Four Powers, following the precedent of the Treaty of Versailles, had decided to secure the adherence of the German government to the London Agreement. In the case of Germany, this was not possible because no German government was at the time in existence.⁶⁴ The Four Powers could have acted on behalf of Germany.⁶⁵ This, they have not done. Could they impose their will upon Germany? This is, in fact, asserted by Professor Glueck,⁶⁶ and the International Military

fully upon it, and thinking only of what may be done under the law, Parliament can alter or rescind any charter, agreement, or statute; it can cause any official of the government to be dismissed and any judicial decision to be made of no effect; it can put an end to any usage and overturn any rule of common law; it can bend the constitution in any direction that it desires. It follows that every parliamentary act is 'constitutional'; if a measure is passed which is contrary to the constitution as it has hitherto stood, the constitution simply becomes something different in that regard. One who follows English political discussion, even from afar, will now and then hear it charged that a legislative proposal, or even a law, is unconstitutional. But this means only that somebody considers the offending proposal or act to be inconsistent with previously accepted fundamental law, or with an established usage, or with international law, or perhaps only with the accepted standards of morality. An act so regarded is legally quite as valid and enforceable as if no question had been raised. No one can allege that it is *ultra vires*. The word of Parliament, i.e. the *latest* word, is law, however it may cut across existing constitutional arrangements; and as such it will be enforced by the courts."

⁶³ Hans Kelsen, *Peace Through Law* (1944), p. 87.

⁶⁴ In the case of the International Military Tribunal for the Far East, the consent of the Japanese government to the trial of Japanese war criminals is presumed to have been granted in the instrument of surrender signed by Japan on Sept. 2, 1945. Department of State *Bulletin*, Vol. XIV (1946), p. 361.

⁶⁵ The basis for this is the Declaration regarding the Defeat of Germany and the Assumption of Supreme Authority with respect to Germany, paragraph 5 of the Preamble, and Articles 11 and 13. *American Journal of International Law*, Vol. 39 (1945), Supp., p. 171 ff.

⁶⁶ Glueck, *op. cit.*, p. 25: "There is no question but that, as an act of the will of the conqueror, the United Nations had the authority to frame and adopt such a Charter."

Tribunal, declared:⁶⁷ "The making of the Charter was the legitimate exercise of sovereign legislative power by the countries to which the German Reich unconditionally surrendered."

In concluding, it may be well to recall the words of Grotius concerning "the duty of the victor toward those who make an unconditional surrender." On the one hand, Grotius observed that "wars are well ended when they terminate with pardoning." But on the other hand, he remarked: "... I do not think that it makes any difference whether the one who surrenders says that he surrenders himself to the wisdom, or to the moderation, or to the mercifulness, of the victor. All these words are merely gracious expressions. The fact remains that the victor becomes absolute master."⁶⁸ It seems that the passage of three hundred years or so has not materially improved the condition of the enemy that has unconditionally surrendered.

⁶⁷ *Judgment*, p. 38.

⁶⁸ Grotius, *De Jure Belli ac Pacis*, translated by Francis W. Kelsey. "Classics of International Law," ed. by J. B. Scott, Vol. II (1925), pp. 826, 828.

RELIGIOUS LIBERTY v. POLICE POWER: JEHOVAH'S WITNESSES

HOLLIS W. BARBER

Tulane University

I

It is stressing the obvious to observe that the state must often resolve conflicts between certain of its constitutional powers and certain equally constitutional private rights. Such is the age-old controversy of liberty versus authority, familiar to every social scientist. Such is the contemporary controversy between "Bible-dizzy but patently sincere"¹ zealots of the Watch Tower Bible and Tract Society, more widely known as Jehovah's Witnesses, on the one hand, and the police power on the other. There is nothing novel about a quarrel between religion and the police power, as witness the Mormons; but a new twist is now given by the personalities of Jehovah's Witnesses and their unique ways of practicing their faith.

Much of their attitude is reflected in their slogans, "Religion is a Racket," "Religion is a Snare," and "Millions Now Living Will Never Die." With a fine neutrality, they consign to the leaping flames all existing religious beliefs other than their own, although they are especially antagonistic to Roman Catholicism. Followers of "Pastor" Charles Taze Russell and "Judge" Joseph Frederick Rutherford,² they are serene in their belief that the second coming of Christ is due momentarily, that there is no time to build churches, and that the "witness work" must be carried on by the direct method of calling on people in their homes, distributing pamphlets and playing records on portable phonographs describing their publications and beliefs for the edification of whomsoever will listen. Soon He will return and all but members of the Society will be

¹ *Time*, June 24, 1940, p. 54.

² Russell was never formally ordained a minister, and Rutherford's judicial experience was apparently limited to a short term as a Missouri circuit judge. The "Judge" entered the movement as Russell's legal adviser, and took over the leadership upon the latter's death in 1916; he retained it until his own death in 1941. He is said to have spent some time in Atlanta as a conscientious objector in World War I. In 1930, he reportedly deeded a California house, garage, and two automobiles in perpetuity to await the earthly reappearance of King David, Gideon, Barak, Samson, and kindred figures. But whatever his foibles, it is beyond doubt that his organizational and administrative talents were largely responsible for the Society's present prosperous status. Cf. *Time*, July 29, 1940, pp. 40-41; *Literary Digest*, May 2, 1936, p. 18.

swept away; thus "millions now living will never die." This assurance of immortality beginning in the immediate future constitutes a powerful drive toward fanatical proselyting, and in order to speed the good work every Witness is an ordained minister whose duty it is to spread the Word. Although not universal, it is often true that the Witness assumes an exceedingly aggressive, intolerant, and even boorish attitude toward a prospective convert, apparently assuming that, since he is himself the repository of all religious wisdom, the other must be a dolt if he does not immediately see the light. A variation of the phonograph technique is for the Witness to offer to leave books and pamphlets and to request a "contribution," which may or may not be in proportion to the cost of the printed matter. The Witnesses are very clear on this point—their "literature" is not sold; it is given freely, as is the reciprocal contribution in the amount set by the donor's conscience. This point has an obvious bearing on the commercial (as contrasted with the religious) nature of these transactions—a matter of importance when the Witnesses disobey a city official's demand that they take out permits before peddling or soliciting as is required of other itinerant salesmen of books or merchandise.

The Witnesses' numerous conflicts with the law may be traced in major part to their literal interpretation of Exodus 20:3-5: "Thou shalt have no other Gods before me. Thou shalt not make unto thee any graven image, or any likeness of anything that is in Heaven above, or . . . in the earth, . . . or in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the Lord thy God am a jealous God. . . ." Any kow-towing to governmental licensing regulations, or signs of obeisance such as saluting the flag, come under the prohibition against bowing down to graven images. Thus it is that when one of the faithful refuses to procure a municipally-required permit to distribute handbills, to hold a parade, or to solicit charitable contributions, he maintains that he was "sent by Jehovah to do His work," and that to have applied for a permit would have been "an act of disobedience to His commandment."³ Similar ideas account for the refusal to salute the flag. The Witnesses persistently maintain that flag-salute and permit-ordinances are contrary to the religious freedom guaranteed

³ The refusal to take out a permit is a matter of principle, regardless of whether any fee is charged.

specifically in the First Amendment and by construction in the Fourteenth.

II

Four years ago, Victor Rotnem and F. G. Folsom, Jr., in an article in this REVIEW,⁴ discussed "Recent Restrictions upon Religious Liberty," especially as concerning Jehovah's Witnesses, and examined the relevant Supreme Court decisions. Since that time, Supreme Court minds and personnel have changed, and the tolerantly pro-Witness attitude which in 1942 was only beginning to manifest itself has apparently developed into a definite policy of the Court. It is therefore proposed to survey the Court decisions of the last nine years in those cases which directly involved the Witnesses, so as to discover Court trends and the present judicial attitude on this phase of the important problem as to how far religious liberty may be tolerated before it becomes limitable license under the police power.

The very humble beginning of the story was the case of *Leoles v. Landers*,⁵ in which the Supreme Court, in a *per curiam* decision in 1937, refused, for want of a substantial federal question, to review a Georgia decision upholding that state's right to require a student in a public grade school to salute the flag, even though the student's religious scruples, as a member of Jehovah's Witnesses, were alleged to forbid such salute. Not only was this a rebuff to the Witnesses' contention, but it was considered especially ominous that the Court cited its well-known decision in *Hamilton v. Regents of the University of California* in which it had held that conscientious scruples against war were insufficient grounds for a student at that University to gain exemption from the compulsory course in military training.⁶ It is a far cry from this inauspicious beginning to other opinions handed down in the next five years, and to the statement which *Time* could make in mid-1940 to the effect that the American Civil Liberties Union was then defending upwards of 1,300 Witnesses in nearly 200 cases.⁷

Several other decisions followed shortly, all involving "Witness work" of one kind or another. In 1938, the Court handed down a decision in *Lovell v. City of Griffin, Georgia*,⁸ in which all eight participating justices joined, holding void on its face a city ordi-

⁴ Vol. 36, No. 6 (Dec., 1942), pp. 1053-1068.

⁵ 302 U.S. 656, decided Dec. 13, 1937.

⁶ 293 U.S. 245 (1934). ⁷ *Time*, Aug. 12, 1940, p. 20.

⁸ 303 U.S. 444, decided Mar. 28, 1938. Justice Cardozo did not participate.

nance requiring permission of the city manager before distributing any sort of handbills or literature; no standards were set up to guide the city manager in his exercise of the permit power, and the resultant threat of unfettered power of censorship was so great as to constitute a clear violation of the freedom of press and religion guaranteed by the Fourteenth Amendment.⁹ More complicated in its requirements, but equally unconstitutional, was the ordinance held invalid in *Schneider v. State* (Town of Irvington, New Jersey), in which permission to canvass or solicit from house to house was made dependent upon filing with the chief of police numerous data as to the applicant's physical characteristics and purposes; the chief of police could refuse the permit if, on investigation made at his discretion, he was not satisfied that the canvasser was of good character and free from fraud.¹⁰ Miss Schneider was a member of Jehovah's Witnesses who had canvassed without permit, for which she was convicted; she lost in successive appeals until she reached the Supreme Court, where Justice Roberts, on behalf of a seven-man majority, declared the ordinance unconstitutional since the police chief was given censorial powers to determine what literature might be distributed and the "ability to communicate with the residents of the town at their homes depends upon the exercise of the officer's discretion." Though there was danger of fraud, trespass, and disturbing the public through soliciting at odd hours, the Court was of the opinion that these matters could be adequately handled without resort to censorship.

In May, 1940, Justice Roberts again spoke for the Court, which unanimously declared unconstitutional a Connecticut law forbidding anyone to solicit for charitable causes without previously satisfying the secretary of the public welfare council that the cause involved was a *bona fide* charitable or religious one;¹¹ this was held to

⁹ In coming to its decision, the Court relied upon *Gitlow v. New York*, 268 U.S. 652 (1925); *Near v. Minnesota*, 283 U.S. 697 (1931); *Grosjean v. American Press Co.*, 297 U.S. 233 (1936); and *DeJonge v. Oregon*, 299 U.S. 353 (1937).

¹⁰ 308 U.S. 147, decided Nov. 22, 1939. The vote was seven to one. Justice Butler had died only six days before, and Justice McReynolds dissented without opinion.

¹¹ *Cantwell v. Connecticut*, 310 U.S. 296, decided May 20, 1940. A second charge against the Cantwells was the common law offense of inciting to breach of the peace. This conviction was summarily disposed of by the Supreme Court on the ground that testimony disclosed angry words spoken by and to the Cantwells, but no actual breach of the peace. Furthermore, said the Court, this conviction rested only on "... a common law concept of the most general and undefined nature, ..." and the facts did not show any "... clear and present danger of riot, disorder, ... or other immediate threat to public safety, peace, or order."

be a direct violation of the Fourteenth Amendment guarantees of freedom of speech and religion. The aggressive tactics of the Witnesses were well demonstrated here, in that the Cantwells (a father and two sons) picked out a neighborhood in New Haven which was ninety per cent Roman Catholic and went from house to house distributing literature, soliciting contributions, and playing a phonograph record which was a particularly virulent attack upon the Roman Catholic Church. Under the circumstances, it seems more than a little remarkable that there was no actual breach of the peace.

Up to this point, it appeared that the Witnesses had little to worry about in the matter of federal interference. But on June 3, 1940, Justice Frankfurter handed down the now famous decision in the flag-salute case of *Minersville School District v. Gobitis*.¹² Here the local board of education, acting under a permissive state law, had decreed a daily flag salute, and the two Gobitis children, members of a Witness family, refused to salute. They were therefore barred from public school and, because of the state compulsory education law, their father was under the financially burdensome necessity of sending them to a private school. He therefore sought to enjoin the authorities from enforcing the salute requirement. Justice Frankfurter stated that "conscientious scruples have not, in the course of the long struggle for religious toleration, relieved the individual from obedience to a general law not aimed at the promotion or restriction of religious beliefs," and secondly that "we live by symbols," and if the state legislature was of opinion that unity would be promoted by the salute, it was entitled to the exercise of its judgment as to the means to achieve a legitimate end. The Justice seemed personally dubious as to the effectiveness of such legislation, but held that if the Court were to substitute its judgment for that of the legislature, it "... would in effect make us the school board for the country. That authority has not been given to this Court, nor should we assume it."¹³ This was an extremely interesting statement by a member of an institution which,

¹² 310 U.S. 586. The Court split eight to one in this case. For criticism of the decision as coming close to evidencing war hysteria, see *The New Republic*, June 24, 1940, p. 843; *The Christian Century*, July 3, 1940, pp. 845-846.

¹³ 310 U.S. 598. *A propos* this statement, *The Christian Century* posed the pointed editorial question: "If the legislative branch enacts laws which encroach upon the liberties of the people, whose business is it, if not that of the courts, to render the prevailing decision as to what a wise adjustment requires?" July 3, 1940, p. 845.

on many occasions in times past, had shown scarcely a qualm about substituting its judgment for that of a state or national legislature. In any case, the Court now held that the compulsory flag salute was in effect a political issue which must be fought out in the arena of public opinion, and not before the judiciary.

Justice Stone alone dissented, in an opinion which, while not as powerful as his famous dissent in the A.A.A. case of *United States v. Butler*,¹⁴ was nevertheless destined to be extremely influential. He admitted that the constitutional guarantees of personal liberty are not absolute, and that they may be infringed in the government's enforcement of its prior right to survive. Such was the case in those instances where its right to draft men was upheld,¹⁵ its right to require military training in state universities,¹⁶ and to suppress presumably immoral practices, even if they happened to be an adjunct of the Mormon religion.¹⁷ "But it is a long step, and one which I am unable to take, to the position that the government may, as a supposed educational measure and as a means of disciplining the young, compel public affirmations which violate their religious conscience."¹⁸ There are ways of teaching loyalty and patriotism, as by the study of political history and institutions, which will contribute to national unity without compelling a student to affirm that which he does not believe. The tolerance of this great judge was well demonstrated as he attacked the old problem of majority coercion of the minority and the companion-piece of the extent to which the judiciary should substitute its will for that of the legislature:

"I am not persuaded that we should refrain from passing upon the legislative judgment 'as long as the remedial channels of the democratic process remain open and unobstructed.' This seems to me no less than the surrender of the constitutional protection of the liberty of small minorities to the popular will. . . . Here we have such a small minority entertaining in good faith a religious belief which is such a departure from the usual course of human conduct that most persons are disposed to regard it with

¹⁴ 297 U.S. 1, 78 (1936).

¹⁵ *Arver v. United States*, 245 U.S. 366 (1918).

¹⁶ *Hamilton v. Regents of the University of California*, 293 U.S. 245 (1934).

¹⁷ *Davis v. Beason*, 133 U.S. 333 (1890).

¹⁸ 310 U.S. 602. Justice Stone further recalled the fact that a state can compel education of its citizens, but cannot prohibit parochial schools (*Pierce v. Society of Sisters*, 268 U.S. 510, 1925); that it can control the use of its streets, but not in such a way as to violate freedom of speech (*Hague v. C.I.O.*, 307 U.S. 496, 1939); and that it may prohibit littering the streets with handbills, but not in such a way as to suppress the communication of ideas (*Schneider v. State*, 308 U.S. 147, 1939).

little toleration or concern. In such circumstances, careful scrutiny of legislative efforts to secure conformity of belief and opinion by a compulsory affirmation of the desired belief is especially needful if civil rights are to receive any protection."

The evident feeling of Justice Stone and of many others was captured by America's foremost liberal journal of religion, and crystallized in one sentence:¹⁹ "It is bitterly ironical that a free government should inflict a penalty for refusal to salute a symbol of freedom."

Although the point involved in the *Gobitis* case was very hotly debated, it seemed hard to disagree with the Court's holding in the next Witness case, that of *Cox v. New Hampshire*.²⁰ The facts here well illustrated the tactics of the Witnesses, who decided to hold a sidewalk parade in Manchester, N. H., and who not only did not bother to take out the required permit, but proceeded to parade single-file, in four or five groups of fifteen to twenty each, through the business district on a Saturday night in July, 1938; traffic counts showed that, in this city of 75,000, as many as 26,000 people an hour passed one of the intersections where the Witnesses marched. A unanimous Court, speaking through Chief Justice Hughes, gave the Witnesses short shrift; distinguishing previous decisions, the Court held that the requirement of a parade permit was a reasonable police regulation, and that "no interference with religious worship or the practice of religion in any proper sense is shown, but only the exercise of local control over the use of the streets for parades and processions."²¹

Another case from New Hampshire was decided about a year later, and again most people would agree that the Witnesses' contention was quite reasonably denied. In *Chaplinsky v. New Hamp-*

¹⁹ *The Christian Century*, June 19, 1940, p. 791. The argument that the human mind cannot be coerced into belief, and that an enforced oath is unproductive of the desired end, is well presented, with illustrations, in the brief of the American Bar Association's Committee on the Bill of Rights, filed as *amicus curiae* in the *Gobitis* case. See especially pp. 40-41.

²⁰ 312 U.S. 569, decided Mar. 31, 1941. The Court voted eight to none, one vacancy existing because of the retirement, two months previously, of Justice McReynolds.

²¹ Six weeks previously, on February 17, 1941, the First Circuit Court of Appeals had reached a similar decision in the case of *City of Manchester v. Leiby*, in which the Witnesses had ignored a city ordinance requiring the issuance of a revocable badge to anyone selling literature on the streets. Said the circuit court: "This reasonable police regulation, in our opinion, imposes no substantial burden upon the freedom of the press or the free exercise of religion." 117 Fed. 2d. 661, 666.

shire,²² the appellant maintained the unconstitutionality of a law of that state which forbade anyone to address "... any offensive, derisive, or annoying word to any other person who is lawfully in any street or other public place," or to "... call him by any offensive or derisive name." The complaint charged that Chaplinsky, in arguing with the city marshal of Rochester, N. H., on the sidewalk near the city hall, called the latter a "God-damned racketeer," and continued that he was also "... a damned Fascist, and the whole government of Rochester are Fascists or agents of Fascists." The decision of the unanimous Court, speaking through Justice Murphy, upheld the constitutionality of the law, and mildly added "... we cannot conceive that cursing a public officer is the exercise of religion in any sense of the term."²³ It was, indeed, a revealing commentary on the intellectual processes of a member of the Witnesses that he should argue that such conduct as that of which Chaplinsky was guilty could hide behind "freedom of religion."

Only three months later, on June 8, 1942, the Court handed down opinions in three cases led by *Jones v. City of Opelika* (Ala.) which, as it turned out, were to represent the nadir of the Witnesses' legal difficulties.²⁴ In all three cases, the ordinances which various Witnesses had violated and whose constitutionality they contested required peddlers of literature to take out permits and pay stated fees therefor; the fees ranged from five dollars a year to twenty-five dollars a month, but in no case was the amount of the fee the matter in controversy, since the appellants refused, as a matter of principle, to pay any fee at all. Justice Reed, speaking for himself and four others, summarily held that the permit and fee requirement was constitutional, being a simple non-discriminatory regulation which was merely incidental to any question of freedom of speech or religion. He distinguished the *Gobitis* case on the ground that there was no religious symbolism involved in the present one, and *Lovell v. Griffin* on the rather curious ground that in that case the city lacked the right to require any license at all.

Coming events cast their shadows before in the dissents which were filed in this case, for within a scant eleven months the majority was to turn to these dissents and acknowledge their correctness; they therefore warrant more than cursory examination. By

²² 315 U.S. 568, decided Mar. 9, 1942.

²³ 315 U.S. 568, 571.

²⁴ 316 U.S. 584. The other two cases, decided simultaneously and similarly, were *Bowden et al. v. Fort Smith* (Ark.) and *Jobin v. Arizona*.

now, Mr. Stone was Chief Justice, and he pointedly maintained that the Opelika ordinance was bad because it, like that in *Lovell v. Griffin*, was revocable at will; in severe terms he indicated his belief that his colleagues' contrast between the *Lovell* case and the present one was a glib distinction without a difference:

"That purpose [i.e., of the First Amendment] cannot rightly be defeated by so transparent a subterfuge as the pronouncement that, while a license may not be required if its award is contingent upon the whim of an administrative officer, it may be if its retention and the enjoyment of the privilege which it purports to give is wholly contingent upon his whim. In either case, enjoyment of the freedom is dependent upon the same contingency and the censorship is as effective in one as in the other."

Indeed, he added, if anything, the *Griffin* permit was better, because it at least was free. Furthermore, he suggested that the amount of the fees charged might have been given at least passing consideration, as they were flat amounts, not proportioned to the amount of business done. But in any case this was secondary, because the selling of literature here was, in his opinion, a religious rather than a commercial venture, and: "The constitutional protection of the Bill of Rights is not to be evaded by classifying with business callings an activity whose sole purpose is the dissemination of ideas, and taxing it as business callings are taxed."

There was a separate dissent by Justice Murphy (joined by Justices Stone, Black, and Douglas) which did not add materially to what the Chief Justice had said, but which did provide the encouraging spectacle of a Catholic judge speaking out for the civil rights of a sect which to most people appeared intolerant and nonsensical in the extreme, and which most bitterly attacked, not only the government in which the Justice held a position of great responsibility, but the very religious belief to which he was a prominent and devout adherent. There followed one other especially noteworthy dissent, by Justices Black, Douglas and Murphy, in which there was no need for Chief Justice Stone to join, but with which he would naturally agree:

"The opinion of the Court sanctions a device which in our opinion suppresses or tends to suppress the free exercise of a religion practiced by a minority group. This is but another step in the direction which *Minersville School District v. Gobitis* . . . took against the same religious minority and is a logical extension of the principles upon which that decision rested. Since we joined in the opinion in the *Gobitis* case, we think this is

an appropriate occasion to state that we now believe that it was also wrongly decided. Certainly our democratic form of government functioning under the historic Bill of Rights has a high responsibility to accommodate itself to the religious views of minorities, however unpopular and unorthodox those views may be. The First Amendment does not put the right freely to exercise religion in a subordinate position. We fear, however, that the opinions in this and in the *Gobitis* case do exactly that."

In spite of the dissent, however, the majority opinion remained the law: a city may constitutionally require a license as a condition for the peddling of religious literature within its limits. But *Lovell v. Griffin* would not down. On March 8, 1943, Justices Black and Reed handed down decisions in two related cases, *Jamison v. Texas* and *Largent v. Texas*, which reverted directly to the old *Lovell* authority.²⁵ Miss Jamison was charged with violating a Dallas anti-handbill ordinance which carried a blanket prohibition against scattering handbills within the city, and was fined five dollars in the county criminal court. As this was the highest state court having cognizance of such a case, she appealed directly to the Federal Supreme Court. Evidence showed no violence of any sort, but simply quiet distribution of Witness literature. The Court briefly referred to *Hague v. C.I.O.*, *Cox v. New Hampshire*, *Chaplinsky v. New Hampshire*, and *Schneider v. State (Irvington)* as authority for holding the ordinance invalid, and continued to the effect that: "... one who is rightfully on a street which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion. This right extends to the communication of ideas by handbills and literature as well as by the spoken word."²⁶

It was not until later in the spring of 1943, however, that the Witnesses' cup really ran over; in a series of seven cases in May and June, the Supreme Court seemed to go over completely to the Witness camp. At the outset came a group of four cases involving another anti-handbill ordinance, requiring municipal permits to canvass and solicit; all of the decisions were announced on May 3,

²⁵ 318 U.S. 413 and 318 U.S. 418, respectively. Justice Rutledge did not participate in either case; otherwise in both the Court was unanimous.

²⁶ The result was similar in the *Largent* case, Justice Reed citing the *Lovell*, *Schneider*, *Cantwell*, and *Chaplinsky* cases as authority for invalidating an ordinance of Paris, Texas, requiring solicitors of orders for books or other merchandise to secure a permit from the mayor. Neither of these cases would seem to require any comment, or even notice, had it not been for the *Jones v. Opelika* decision.

1943. First came a *per curiam* decision vacating the 1942 judgment in *Jones v. Opelika* and its companion cases, *Bowden v. Ft. Smith* and *Jobin v. Arizona*.²⁷ These cases had been reheard along with the argument of *Murdock v. Pennsylvania (City of Jeannette)*,²⁸ and the earlier judgments were reversed for reasons stated in the *Murdock* opinion. That case involved an 1898 ordinance of the city of Jeannette which required payment of stated fees for a permit for any canvassing or soliciting. It seems scarcely necessary to add that various Witnesses ignored the permit requirement and went ahead and distributed books and pamphlets and played their phonograph records—wherefore they were arrested, convicted, and fined. They then appealed on the grounds of the First Amendment guarantees of freedom of speech, press, and religion, as enforced through the Fourteenth Amendment. Speaking for a five-man majority, Justice Douglas did not question the validity of a registration system, but did emphatically deny the validity of the tax. He held that the “Witness work” did not become commercial rather than religious simply because the books involved were sold (or given away while accepting a reciprocal “contribution”) instead of donated. He then proceeded:

“Freedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way. . . . The tax imposed by the City of Jeannette is a flat license tax, the payment of which is a condition of the exercise of these constitutional privileges. The power to tax the exercise of a privilege is the power to control or suppress its enjoyment. . . . A state may not impose a charge for the enjoyment of a right guaranteed by the Federal Constitution. . . . The way of the religious dissenter has long been hard. But if the formula of this type of ordinance is approved, a new device for the suppression of religious minorities will have been found . . . the fact that the ordinance is ‘nondiscriminatory’ is immaterial. The judgment in *Jones v. Opelika* has this day been vacated . . . [The Supreme Court is] freed from that controlling precedent.”

From the foregoing holding, Justices Reed, Frankfurter, Roberts, and Jackson dissented on the ground that the tax involved was a reasonable, non-discriminatory one and that nothing in the decisions of the Supreme Court freed churches from the financial burdens of government; they furthermore denied that these “sales” of religious books were solely religious transactions.

²⁷ 319 U.S. 103. Rehearing had been granted in Mar., 1943.

²⁸ 319 U.S. 105.

The third decision on May 3, 1943, was in the case of *Martin v. City of Struthers* (Ohio),²⁹ involving a city ordinance which forbade persons to knock on doors or ring doorbells to summon the occupants of the house to the door so as to distribute handbills. Justice Black, speaking for the same colleagues who constituted the majority in the *Murdock* case, plus Justice Frankfurter, held this ordinance to be an invalid denial of freedom of speech and press as applied to a person distributing advertisements for a religious meeting. He recognized the evils of canvassing, but also stated that: "... door to door distribution of circulars is essential to the poorly financed causes of little people. . . . Freedom to distribute information to every citizen . . . is so clearly vital to the preservation of a free society that, putting aside reasonable police and health regulations . . . it must be fully preserved." Justices Reed, Roberts, and Jackson dissented on the ground that no censorship or suppression of ideas was shown.

The fourth case of May 3, 1943, was that of *Douglas et al. v. City of Jeannette*,³⁰ involving the same ordinance as that in the *Murdock* case, but an instance in which several Witnesses sought to have a federal district court enjoin the mayor of Jeannette from enforcing the ordinance. A unanimous Court, through Chief Justice Stone, held that, in view of the *Murdock* decision, the injunction was unnecessary. There was an extremely interesting concurring opinion by Justice Jackson (in which he was joined by Justice Frankfurter) stating his reasons for approval of the result in this case and for his dissent in *Murdock* and *Martin*.³¹ There was a powerful portrayal of the other side of the medal: the personal objectionableness of the Witnesses, the inflammatory nature of their doctrines as laid down by Rutherford, and their apparent desire to cause as much disturbance as possible.

"The real question is where their [the Witnesses'] rights end and others begin. . . . Civil government cannot let any group ride rough-shod over others simply because their 'consciences' tell them to do so . . . [In *Chapinsky v. New Hampshire* 'fighting words' were outlawed]. . . . How then can the Court today hold it a 'high constitutional privilege' to go to homes, including those of devout Catholics on Palm Sunday morning, and thrust upon them literature calling their church a 'whore' and their faith a 'racket'?"

²⁹ 319 U.S. 141. The Court divided six to three.

³⁰ 319 U.S. 157. Chief Justice Stone delivered the opinion.

³¹ Cf. 319 U.S. 166-182.

This Court is forever adding new stories to the temples of constitutional law, and the temples have a way of collapsing when one story too many is added. So it was with liberty of contract, which was discredited by being overdone. The Court is adding a new privilege to over-ride the rights of others to what has before been regarded as religious liberty. In so doing it needlessly creates a risk of discrediting a wise provision in our Constitution which protects all . . . in the peaceful, orderly practice of the religion of their choice, but which gives no right to force it upon others."

A few weeks later, on June 14, 1943, the Court handed down three more decisions which made a clean sweep for the Witnesses. By all means the most important of the three was *West Virginia State Board of Education v. Barnette*.³² Ironically enough, this case arose out of a regulation adopted (under permissive state law) by the West Virginia Board of Education on the direct authority of the *Minersville v. Gobitis* decision; yet the child was to overrule the parent. The West Virginia board, on January 9, 1942, required all students and teachers to salute and pledge allegiance to the flag as a regular part of the public school program; its resolution mouthed the old phrases about the freedom of religion, and paraphrased the *Gobitis* opinion as to the flag being the symbol of unity and national power, and unity being the basis of national security. Refusal to salute was declared "insubordination," and was made punishable by expulsion. There could be no readmission without compliance, and while the child was thus "unlawfully absent" from school, and therefore "delinquent," his parents were subject to a fifty-dollar fine and thirty days in jail. Witnesses, of course, refused to comply with the requirements, although they offered to take an alternative oath of allegiance " . . . to Jehovah, the Almighty God . . . " to which would be added a statement of "respect" for the flag and of further allegiance " . . . to all the laws of the United States that are consistent with God's law, as set forth in the Bible." The state understandably refused to accept so uncertain an alternative as was this in its latter part, and the dispute was deadlocked. Then the Witnesses sought U. S. district court action to enjoin enforcement of the law as in violation of the due process and equal protection clauses of the Fourteenth Amendment; the district court acquiesced, and the case went on appeal to the Supreme Court.

³² 319 U.S. 624.

On behalf of five colleagues and himself, Justice Jackson overruled the *Gobitis* decision and held the West Virginia regulations unconstitutional. The gist of the Court's opinion is contained in its statement that:

"It is now a commonplace that censorship or suppression of expression of opinion is tolerated by our constitution only when the expression presents a clear and present danger of action of a kind the State is empowered to prevent and punish.

"... freedom of speech, of press, of assembly, and of worship may not be infringed on . . . slender grounds. They are susceptible of restriction only to prevent grave and immediate danger to interests which the state may lawfully protect."

The history of coerced uniformity is long, and:

"Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard. It seems trite but necessary to say that the first Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings. . . . We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority."

Going farther, the Court referred to the fact that Congress, by recent legislation, was dealing much more leniently with religious dissenters than did these local regulations. For one thing, it recognized the legality of conscientious objections to the draft, and by section seven of H.J.R. 359, approved December 22, 1942, it liberalized the oath and salute to the flag by permitting civilians to show respect for it by simply standing at attention, with men removing their hats.²² Not only that, but Justice Jackson went ahead with a comment obviously inspired by Justice Frankfurter's quotable statement in the *Gobitis* opinion: whether action like that at hand did or did not make the Court a school board for the country was immaterial. The Court was here performing a judicial, not an educational, duty. To the idea that such laws as these should be corrected, if wrong, solely by legislative action, he countered:

"The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free

²² 56 Stat. 1074; 36 U.S.C. (1942 Supp.), sec. 172.

speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

Justices Black and Douglas concurred, explaining that they had held as they did in the *Gobitis* case because they did not want the federal constitution to be a rigid bar to state regulation of conduct, but "... long reflection convinced us that although the principle is sound, its application in the particular case was wrong." Justice Murphy concurred separately, adding: "Reflection has convinced me that as a judge I have no loftier duty or responsibility than to uphold that spiritual freedom to its farthest reaches." Thus the Black-Douglas-Murphy group gave the Witnesses a Court majority, as had been foreshadowed by their dissent in the first *Jones v. Opelika* decision.

Justice Frankfurter dissented, saying that he, as a member of a long-suppressed racial minority, personally favored the libertarian views of the majority, but that as a judge he felt bound to uphold the state's power. He thought the majority's interpretations went too far, and said: "The constitutional protection of religious freedom terminated disabilities, it did not create new privileges. It gave religious equality, not civil immunity. Its essence is freedom from conformity to religious dogma, not freedom from conformity to law because of religious dogma."

Although this was the high mark of the day from the Witnesses' point of view, two other cases were decided also. One was a *per curiam* decision (Justice Rutledge abstaining) in *Busey v. District of Columbia*,³⁴ in which the Court held that in view of the second *Jones v. Opelika* and the *Murdock v. Pennsylvania* decisions, it must vacate a decision of the District of Columbia Court of Appeals which had upheld the conviction of certain members of the sect who had violated a District law by selling their magazines on the streets without first getting a license and paying the required fee. The other case also followed necessarily from the *Murdock* and *Barnette* opinions: *Taylor v. Mississippi*.³⁵ Here was involved the constitutionality of a 1942 Mississippi law decreeing the imprisonment, until the conclusion of a treaty of peace³⁶ by the United States, of anyone found guilty of orally, by phonograph, or by distribution of

³⁴ 319 U.S. 579.

³⁵ 319 U.S. 583.

³⁶ The Mississippi legislature inserted the militarily pessimistic proviso that imprisonment should not in any case exceed ten years.

literature encouraging violence, sabotage, or disloyalty to the state or the United States, giving away military secrets, inciting racial prejudices, or tending to create an attitude of refusal to salute, honor, or respect the flag or government of the state or of the United States. The appellants, whose conviction for violating the above act was affirmed by the state supreme court, appealed to the federal court on the grounds that the law was unconstitutional under the First and Fourteenth Amendments and that it was so vague as to provide no reasonably ascertainable standard of guilt. Evidence showed that the appellant, Taylor, had told some women (sons of two of whom had been killed in action overseas) that sending troops abroad was wrong, that the deaths were in vain, and that people should not salute the flag. A unanimous Court, represented by Justice Roberts, set aside the convictions on the ground that the appellants were not shown to have advocated subversive action, to have done anything with evil or sinister purpose, or to have threatened any clear and present danger to American institutions. Furthermore, in view of the *Barnette* invalidation of the school-flag salute, the Court set aside that part of the law which forbade interference with saluting.

Only two cases remain to be considered briefly. The first was *Prince v. Massachusetts*. It upheld a Massachusetts child-labor law which forbade anyone to furnish a boy under twelve or a girl under eighteen with papers, magazines, or other merchandise to sell on the street.³⁷ One Sarah Prince was convicted under the act, evidence showing that she furnished a nine-year-old girl to whom she was aunt and guardian with *Witness* magazines to be sold on the streets at night. Both she and the nine-year-old claimed to be ordained ministers of Jehovah's Witnesses, and consequently she maintained that the law was an invalid restriction of freedom of religion; there was no mention of freedom of the press. It did not take the five-man majority of the Court, speaking through Justice Rutledge, long to uphold the law as a valid exercise of police power because of the state's position as *parens patriae* and its corresponding responsibility with regard to children and their health. Justice Jackson (joined by Justices Roberts and Frankfurter) entered a forceful dissent in which he maintained that this decision was inconsistent with that in *Murdock*, and that:³⁸

³⁷ 321 U.S. 158, decided Jan. 31, 1944.

³⁸ 321 U.S. 158, 177-178. Justice Murphy entered a separate dissent.

"This case brings to the surface the real basis of disagreement among members of this Court in previous Jehovah's Witnesses cases. . . . Our basic difference seems to be as to the method of establishing limitations which of necessity bound religious freedom. My own view may be shortly put: I think the limits begin to operate whenever activities begin to affect or collide with liberties of others or of the public. Religious activities which concern only members of the faith are and ought to be free—as nearly absolutely free as anything can be. . . . [But when churches engage in such secular activities as dinners, entertainments, lotteries, etc, these things are] Caesar's affairs and may be regulated by the state, so long as it does not discriminate against any one because he is doing them for a religious purpose, and the regulation is not arbitrary and capricious, in violation of other provisions of the constitution."

The final case for consideration is that of *Follett v. Town of McCormick* (S. C.).³⁹ The Court split six to three, with the majority using Justice Douglas as its spokesman to hold unconstitutional the McCormick ordinance imposing a license fee of one dollar a day or fifteen dollars a year on book-selling agents. The South Carolina supreme court had distinguished the second *Jones v. Opelika* decision on the grounds that (1) Follett was a resident of McCormick, not a transient as in the other instances, and (2) he earned his entire living by selling books, so that this was not, contrary to the earlier cases, a matter of a simple spare-time religious service. Nevertheless this did not sway the federal Supreme Court, for: "Freedom of religion is not merely reserved for those with a long purse. Preachers of the more orthodox faiths are not engaged in commercial undertakings because they are dependent on their calling for a living." In the majority's opinion, the flat license tax here involved was no less odious than the early "taxes on knowledge" which the First Amendment was designed to outlaw.⁴⁰

Again there was dissent by Justices Roberts, Frankfurter, and Jackson, who contended, as before, that the tax was non-discriminatory and did not lay any onerous burdens. Further, they raised the question as to where the principle laid down by the majority would end: would it not lead to the exemption of New York's Trinity Church from taxation on all its commercial properties? Ought not a similar exemption to be given to the press and to those who speak? But as far as Justice Douglas was concerned, this was a matter of borrowing trouble, and could be settled later.

³⁹ 321 U.S. 573, decided Mar. 27, 1944.

⁴⁰ Citing *Grosjean v. American Press Co.*, 297 U.S. 233, 245-248.

III

At least two matters arise for consideration out of a general view of the preceding cases: (1) the constitutional law covering a given subject, as a case study in reconciling conflicting public and private rights, and (2) the attitudes of individual judges, as a study in the personalities composing our most august judicial institution.

So far as concerns the law as it now stands, it is clear that it is unconstitutional for a state or city to require students in its schools to give a specified salute and pledge of allegiance to the national flag and government if the students have religious scruples against those acts. And a city may not levy a tax as a condition precedent to the granting of a permit to canvass or solicit in a religious cause, or to sell or donate religious publications. There are many who, with an eye on the aggressive and at times anti-social attitudes and tactics of Jehovah's Witnesses, will consider that the Court in its most recent decisions has gone too far and leaned over backward in its solicitude for the tender religious sensitivities and constitutional rights of a group which customarily shows little concern for the correlative rights of others. It hardly seems unfair to suggest that the Witnesses, who demand so much tolerance and coöperation from the public, might practice a little tolerance and coöperation themselves. It is here submitted that the Witnesses, at least since 1943, have had no just cause for complaint against the treatment they have received at the hands of the judicial branch of the federal government, and that the position taken by Justice Jackson in his dissents in *Douglas v. Jeannette* and *Prince v. Massachusetts* merits extremely careful study as quite possibly the right one. It is not impossible that the Court, in an altogether laudable desire to protect the constitutional rights of a minority—an attitude which liberal democrats will criticize only with great reluctance—may actually have leaned too far in the direction of protecting the religious fanatic who maintains that the one way in which he can worship the deity of his choice is by spreading his prayer rug in the middle of a busy street intersection, and who therefore demands that all traffic be routed around him. In actual fact, the Witnesses are not large enough a sect to cause any great disturbance one way or the other. But the principle is of basic importance, far outweighing the significance of the people who evoke its application.

It is now proposed to consider the attitudes of individual judges

in an attempt to determine whether there were any constant alignments of votes on the bench in the cases under consideration. To do this, it seems advisable to eliminate from consideration the *per curiam* decisions (Leoles v. Landers, the second Jones v. Opelika, and Busey v. District of Columbia), and also Douglas v. Jeannette, because its decision depended solely on that in Murdock. Fourteen justices participated in one or more of the remaining fifteen cases. Table I presents their positions "for" or "against" the contentions made by the Witnesses in those cases:

TABLE I

<i>Justice</i>	<i>For</i>	<i>Against</i>	<i>Justice</i>	<i>For</i>	<i>Against</i>
Black	11	4	Jackson	5	5
Brandeis	1	0	McReynolds	2	3
Butler	1	0	Murphy	10	3
Byrnes	0	2	Reed	7	8
Douglas	10	4	Roberts	7	8
Frankfurter	6	8	Rutledge	5	1
Hughes	3	2	Stone	12	3

From the above, certain fairly well-defined *blocs* become apparent. For the Witnesses were Justices Stone, Black, Murphy, Douglas, and probably Rutledge, although he was appointed too late to participate in about half of the cases. Opposing these were Justices Roberts, Reed, and Frankfurter. Justice Jackson joined neither camp, a situation not surprising in view of his expressed opinions as noted in the preceding pages.⁴¹ From Table I, it is also apparent that at least five names need not be further considered: Justices Brandeis, Butler, Byrnes, Hughes, and McReynolds. None of these men passed on more than five cases, and each of them is now off the bench. Although Justices Stone and Roberts are no longer on the bench, each participated in the full fifteen cases; hence their names are left in.

It will be well to narrow down somewhat the field of search for Court alignments by considering those cases properly to be labelled as "controversial." These, by definition, include all cases reviewed

⁴¹ Lest the author be accused of being unduly influenced by baseball techniques, let him state here his realization that a box score does not in all cases indicate which team is better, nor certainly does it show up subtle mutations of thought and opinion within a court. But it is useful for the purposes of such a survey-analysis as is here attempted.

herein, except (1) *per curiam* cases, (2) *Douglas v. Jeannette*, in which the holding (denial of prayer for injunction) was ostensibly against the Witnesses, but which was based on the fact that the Witnesses no longer needed the injunction since they had won their ends in *Murdock*, and (3) the *Cox*, *Chaplinsky* and *Prince* cases—these latter being rather arbitrarily excluded because of the fairly obvious propriety of the exercise of the police power which the Witnesses contested therein. The vote of a judge in one of these latter would, it appears, have been very little swayed by his pro- or anti-Witness feelings. The tabulation in “controversial” cases follows:

TABLE II

<i>Justice</i>	<i>For</i>	<i>Against</i>	<i>Justice</i>	<i>For</i>	<i>Against</i>
Black	11	1	Reed	7	5
Douglas	10	1	Roberts	6	6
Frankfurter	5	6	Rutledge	5	0
Jackson	4	4	Stone	12	0
Murphy	9	1			

In some respects, this table simply confirms the first: e.g., Justice Jackson is still impartially poised between the contending forces, and Justices Black, Douglas, Murphy, Rutledge, and Stone are the Witnesses' best friends. Indeed, as regards the Black-Douglas-Murphy *bloc*, it may be in one sense regarded as even more solid than Table II indicates, because the one occasion on which all of the three voted against the Witnesses was in the *Gobitis* case, which in the first *Jones v. Opelika* they conceded to have been an error of judgment on their part. A further comparison of the two tables brings out the significant fact that, among the “anti” justices shown in Table I, Justice Reed ought apparently to be removed from the list, Roberts placed in the neutral ground, and Frankfurter left as the one judge who had voted against the Witnesses more times than otherwise.

To restrict still further the field of discussion, it appears that four “highly controversial” cases really are the leading ones: *Gobitis*, the first *Jones*, *Murdock*, and *Barnette*. In these, the Court first held that the flag salute and permit ordinances were constitutional, and then reversed itself and declared them unconstitutional. These, then, provide the *pièce de résistance*, and the Witnesses' fortunes

rose or fell according as they were decided. Table III analyzes the vote in these four:

TABLE III

<i>Justice</i>	<i>Gobitis</i>		<i>Jones I</i>		<i>Murdock</i>		<i>Barnette</i>		<i>Total</i>	
	<i>Pro</i>	<i>Con</i>	<i>Pro</i>	<i>Con</i>	<i>Pro</i>	<i>Con</i>	<i>Pro</i>	<i>Con</i>	<i>Pro</i>	<i>Con</i>
Black		1	1		1		1		3	1
Douglas		1	1		1		1		3	1
Frankfurter		1		1		1		1	0	4
Jackson				1		1	1		1	2
Murphy		1	1		1		1		3	1
Reed		1		1		1		1	0	4
Roberts		1		1		1		1	0	4
Rutledge					1		1		2	0
Stone	1		1		1		1		4	0

This brings out again the same sort of alignment as Table I: Justices Stone, Black, Douglas, Murphy, and Rutledge were fairly consistently for the Witnesses; Justice Jackson was in the middle, but leaning slightly toward the anti-Witness group; and Justices Frankfurter, Reed, and Roberts were found invariably voting against the Witnesses. To the extent, then, to which figures on such a small number of cases permit the drawing of valid conclusions, it appears that a "reading from left to right" picture may be visualized. Defining the left as being that point of view which is inclined to grant the demands of the Witnesses, and the right as that which tends to deny these demands, the following is the sequence: Justice Stone is on the extreme left, from which point the gradation moves through the Black-Douglas-Murphy group, through Jackson in the approximate center to Reed and Roberts, and finally to Justice Frankfurter on the extreme right.

Another question naturally comes to mind: Why did the Court suddenly reverse itself and overrule the *Gobitis* and first *Jones* decisions? Was it change of personnel, or change of individual mind? As far as the flag salute is concerned, this cannot be answered conclusively, because both factors were involved. To the minority of one consisting of Justice Stone in the *Gobitis* case was added a solid five-man group in *Barnette*. Three of the five—Justices Black, Douglas, and Murphy—publicly confessed to a change of mind; while the other two—Justices Jackson and Rutledge—were new appointees. It is clear that neither of these groups alone, voting

with Chief Justice Stone, would have been numerically sufficient to change the Court's collective mind, and the question as to the reason for the change of the Court as a whole can consequently be given no one categorical answer.

In the case of the ordinances concerning peddling and soliciting, however, it is clear that the *Murdock* reversal of the first Jones holding was due to the sole factor of personnel change, namely, the seating of Justice Rutledge in place of Justice Byrnes. In the first Jones case, the pro-Witness minority consisted of Stone, Murphy, Black, and Douglas. Between then and May, 1943, when *Murdock* was decided, Justice Rutledge replaced Justice Byrnes and joined the above-named four to change a four-to-five minority into a five-to-four majority. Otherwise, the alignment remained the same as in the earlier case.

No one who has dabbled in the great American game of predicting Supreme Court actions can be regarded as ready for promotion to sophomore standing unless he shows appreciation of the great number of variables involved and the consequent likelihood of error on his part. He who would state categorically that the Witnesses will win their next several cases demonstrates the superficiality of his study of constitutional history, even though the sect has recently found a very sympathetic hearing in the marble temple on Capitol Hill. The Court's personnel has already changed since the last decision covered in this article, and it would be foolhardy to attempt a forecast of future changes of legal thinking and social philosophy. But study of a sequence of cases need not culminate in crystal-gazing. It may prove something far more important than the Court's application of certain laws to certain facts: it may show again the Court's devotion to the protection of minority rights, even those of an often bigoted and unpopular minority. Even if all agreed, which they obviously will not, that the tribunal may recently have been a bit too solicitous about Witness rights, there are few who would not prefer that situation to the alternative of seeing a majority disregard them completely. We may begrudge an extra trip to the front door to receive a Witness handbill, but the effort is small enough price to pay for the assurance of living in a community where diversity of thought is still tolerated. However imperfectly we may in the past have practiced it, we still pay homage to the American tradition of religious freedom.

CONSTITUTIONAL LAW IN 1945-46

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1945

ROBERT E. CUSHMAN

Cornell University

Chief Justice Harlan F. Stone died on April 22. He was appointed Associate Justice by President Coolidge in 1925, and was elevated to the Chief Justiceship by President Roosevelt upon the retirement of Chief Justice Hughes in 1941. On June 7, President Truman nominated Fred M. Vinson, then Secretary of the Treasury, to be Chief Justice of the United States, and the Senate confirmed the nomination on June 20. Mr. Justice James C. McReynolds, who retired from the Court in 1941, died on August 24, 1945. Mr. Justice Jackson, who in May, 1945, had been appointed chief American prosecutor at the trial of Axis war criminals at Nuremberg, did not return to the Court during the 1945 term. On June 10, Mr. Justice Jackson, in Nuremberg, released to the press a statement sharply criticizing Mr. Justice Black for his failure to disqualify himself in *Jewell Ridge Coal Corp. v. Local No. 6167, U.M.W.*¹ This case, which awarded coal miners "portal-to-portal" pay under the Fair Labor Standards Act, was decided by a five-to-four vote, and Mr. Justice Black's former law partner was attorney for the union. The statement, unprecedented in judicial history, made public record of a personal antagonism between the two justices, and elicited nation-wide press comment. Mr. Justice Black made no reply, and there have been no later repercussions of the incident.

A court of eight justices decided twenty-three cases in which three justices dissented, and twenty-one cases in which two dissented. The Court overruled one earlier decision. This brings the list of overruled cases since 1937 to twenty-seven.

A. QUESTIONS OF NATIONAL POWER

1. CASES ARISING FROM THE WAR

Martial Rule in Hawaii. Martial rule was established in the Territory of Hawaii on the day of the attack on Pearl Harbor, and was continued until ended by Presidential proclamation in October, 1944. It was held by the Supreme Court to have been invalid in *Duncan v. Kahanamoku*² (with which was combined *White v. Steer*) in February, 1946. The martial rule thus established was absolute. The military authorities actually took over

¹ 325 U.S. 161, 1945.

² 327 U.S. 304, 1946.

the government of Hawaii in its entirety. The writ of habeas corpus was suspended, the Commanding General announced that he had "assumed the office of military governor of Hawaii," subsequent legislative acts took the form of General Orders, civil and criminal courts were forbidden to open and were replaced by military commissions and provost courts. As time went on, these restrictions were relaxed in minor ways. Civilian courts, as "agents of the Military Governor," were allowed to handle certain types of civil cases, but were not permitted to summon either grand or trial juries, or to exercise criminal jurisdiction. White, a stockbroker having no connection with the armed forces, was charged with embezzling stock belonging to another civilian. He was arrested in August, 1942, tried by a provost court without a jury, and sentenced to five years' imprisonment. Duncan, a civilian shipfitter employed at the Navy Yard at Honolulu, was arrested in February, 1944, for assault committed in the course of a brawl with two Marine sentries at the yard. By this time, the civil courts of the Territory were again handling ordinary criminal cases, but military courts still retained jurisdiction to try "criminal prosecutions for violations of military orders." Duncan was charged with violating one of these orders and was tried by a military court, although assault is a crime under the territorial law. White and Duncan sought release through writs of habeas corpus issued by the district court. The military authorities denied the court's right to issue habeas corpus. The district court held that there was no military necessity for the trial of the prisoners by military tribunals, that the trials were therefore void, and that the prisoners should be released. The Circuit Court of Appeals reversed this decision, and the Supreme Court granted certiorari.

In an opinion by Mr. Justice Black, the Supreme Court held the military trials invalid and ordered the prisoners released. Martial law in Hawaii had been established under the authority of Section 67 of the Hawaiian Organic Act of 1900 which empowered the territorial governor "in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it," to suspend the writ of habeas corpus, or place the Territory "under martial law." The issue is, "Did the Organic Act during the period of martial law give the armed forces power to supplant all civilian laws and to substitute military for judicial trials under the conditions that existed in Hawaii at the time these petitioners were tried?" The Court found that the language of the Organic Act "fails to define adequately the scope of the power given to the military and to show whether the Organic Act provides that courts of law be supplanted by military tribunals." Nor does the legislative history of the Organic Act answer the question. It does show, however, "that Congress did not intend the Constitution to have a limited application to Hawaii," and therefore "whatever power the Organic Act gave the Hawaiian military authorities,

such power must . . . be construed in the same way as a grant of power to troops stationed in any one of the states."

The Court held, therefore, that the nature and degree of military power in Hawaii must be measured by "the principles and practices developed during the birth and growth of our political institutions." A brief review of the history of civil-military relations justifies the conclusion that national policy has been opposed to the supplanting of civil courts by military tribunals. In the only case in which the Supreme Court ever discussed the problem, *Ex parte Milligan*,³ "it had emphatically declared that 'civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable; and, in the conflict, one or the other must perish.'" The Court concluded, therefore, that in passing the Hawaiian Organic Act, Congress did not intend, by Section 67, to authorize the supplanting of civilian courts by military tribunals, and the implication is clear that if the statute had authorized this, it would be unconstitutional.

Mr. Justice Murphy concurred, but urged that the military trials were direct and flagrant violations of the Bill of Rights. Chief Justice Stone concurred on the ground that the military authorities had shown no reasons grounded in the public security for closing the civil courts, and that the trials of White and Duncan were, therefore, unauthorized by the Organic Act and "without lawful authority." Mr. Justice Burton, joined by Mr. Justice Frankfurter, dissented on the ground that the Court should not extend judicial control into the realm of executive and military discretion used for the protection of the public security in time of war.

Trial of Japanese War Criminals. In *In re Yamashita*,⁴ the Court sustained the validity of the trial by a military commission of the Japanese General on charges of violating the law of war. After General Yamashita's surrender in September, 1945, he was held as a prisoner of war, and subsequently charged with violations of the law of war. He was tried before a military commission of five Army officers, found guilty, and sentenced to be hanged. The supreme court of the Philippines refused a writ of habeas corpus, and the Supreme Court of the United States, after argument on the merits, did likewise. Chief Justice Stone's opinion disposes of the four attacks made upon the jurisdiction and procedure of the military commission. First, the order creating the commission was issued in strict conformity to the act of Congress "sanctioning the creation of such tribunals for the trial of offences against the law of war committed by enemy combatants." The authority to create such military tribunals is not automatically terminated by the end of hostilities; but continues at least until the formal state of war has been ended by action of the political branch of the government. Second, the charges against the General correctly stated a violation of the law of war. He was charged with failing to "control the

³ 4 Wall. 2, 1866.

⁴ 327 U.S. 1, 1946.

operations of the members of his command, permitting them to commit brutal atrocities and other high crimes. . . . " The law of war imposes a positive duty on commanders to take such measures as are in their power to protect prisoners of war and the civilian population. General Yamashita was properly charged with a breach of this duty. Third, the military commission admitted hearsay and opinion evidence as well as depositions against the accused. In the trial of an enemy combatant, this is entirely proper. No act of Congress or treaty dictates the procedure which must be followed in such trials. Control over such procedure lies with the military command. "We hold that the commission's rulings on evidence and on the mode of conducting these proceedings against petitioner are not reviewable by the Courts, but only by the reviewing military authorities. From this viewpoint it is unnecessary to consider what, in other situations, the Fifth Amendment might require. . . . " Fourth, Article 60 of the Geneva Convention of 1929 requires that when a prisoner of war is put on trial, the "protecting power" must be at once notified. Switzerland was the power designated by Japan for the protection of Japanese prisoners of war held by the United States. Switzerland was not given notice of Yamashita's trial. The Court held that Article 60 applies only to persons brought to trial for offenses committed while prisoners of war.

Justices Murphy and Rutledge filed long and eloquent dissenting opinions. Their principal attack was upon the Court's refusal to apply the test of due process of law to the military commission's procedure. Mr. Justice Murphy said: "No military necessity or other emergency demanded the suspension of the safeguards of due process. Yet petitioner was rushed to trial upon an improper charge, given insufficient time to prepare an adequate defense, deprived of the benefits of some of the most elementary rules of evidence, and summarily sentenced to be hanged . . . such a procedure is unworthy of the traditions of our people."

The case of *In re Homma*,⁵ the Japanese General in command at the time of the "march from Bataan," the same issues were raised as in Yamashita's case. The Court sustained the validity of the military trial without writing an opinion. Again Justices Murphy and Rutledge protested against the denial of procedural due process. Mr. Justice Murphy observed: "Today the lives of Yamashita and Homma, leaders of enemy forces vanquished on the field of battle, are taken without regard to due process of law. There will be few to protest. But tomorrow the precedent here established can be turned against others. A procession of judicial lynchings without due process of law may now follow. No one can foresee the end of this failure of objective thinking and of adherence to our high hopes of a new world . . . a nation must not perish because, in the natural

⁵ 327 U.S. 759, 1946.

frenzy of the aftermath of war, it abandoned its central theme of the dignity of the human personality and due process of law."

Draft Act Cases. In *Falbo v. United States*,⁶ the Court had denied to a Jehovah's Witness the right to judicial review of the correctness of his classification under the Selective Service Act on the ground that he had failed to exhaust his administrative remedies by submitting to induction. In *Estep v. United States*,⁷ a draft registrant, also a Jehovah's Witness, while protesting his classification, presented himself for induction and then refused to submit to it. He was tried and convicted of violating the statute, but was not allowed in his defense to attack the correctness of his classification by the local board, or to introduce proof that he was in fact a minister of religion. The Court, speaking through Mr. Justice Douglas, granted a new trial. It declined to construe the statute as making final the findings of the local boards on the classification of registrants. To do so would permit them to determine finally their own jurisdiction under the act, and even to exceed it. The Court plainly implied that if the statute did preclude judicial review of the correctness of the board's findings, it would deny due process of law.

The measure of a veteran's right to reemployment, as defined by the Selective Service Act, was brought before the Court in a suit for a declaratory judgment in *Fishgold v. Sullivan Drydock & Repair Corp.*⁸ Fishgold was reemployed by the company after his discharge from the Army. After some months, slackened work at the shipyard required the laying off of men. Under a collective bargaining agreement between the company and its men, layoffs were to be governed by seniority, those having higher seniority to be retained longest. Fishgold was laid off, although non-veterans having higher shop seniority were kept. The Court, in an opinion by Mr. Justice Douglas, held that this did not violate the statute. The act forbids the discharge of a returned veteran within a year, but a "person who has been laid off . . . would hardly be considered as having been 'discharged'." Furthermore, the statute does not grant the veteran an increase in seniority over what he would have had if he had never entered the armed services. It merely protects him against loss of ground or demotion upon his return. "There is no suggestion that Congress sought to sweep aside the seniority system. What it undertook to do was to give the veteran protection within the framework of the seniority system . . ."

2. NATIONAL POWER AND CIVIL LIBERTIES

Bill of Attainder—The Lovett-Watson-Dodd Case. The most spectacular episode in the campaign by certain committees of Congress to "purge" the federal service of employees alleged to be disloyal or "subversive" was

⁶ 320 U.S. 549, 1944. See this REVIEW, Vol. 39, p. 298.

⁷ 327 U.S. 114, 1946.

⁸ 328 U.S. 275, 1946.

brought to an end by the Court's decision in *United States v. Lovett*.⁹ In February, 1943, Mr. Dies, chairman of the House Committee on Un-American Activities, charged in the House of Representatives that thirty-nine federal employees whom he named were Communists or "fellow-travellers" as well as "irresponsible, crackpot, radical bureaucrats." He urged that Congress, then considering the annual appropriation bills, provide that no funds appropriated by the bills be used to pay the salaries of these employees. Unwilling to proceed in so summary a fashion, the House set up the so-called "Kerr Committee," a subcommittee of the Committee on Appropriations, to investigate further the loyalty of the accused men and report to the House upon their fitness to hold public office. The Kerr Committee conducted *ex parte* inquiries into the records, views, and writings of nine of the men, exonerated six of them, but reported that Robert Morse Lovett, Secretary of the Virgin Islands, and Goodwin B. Watson and William E. Dodd, Jr., both on the staff of the Federal Communications Commission, were found guilty of "subversive activity" and were "unfit" to continue in government service. The administrative superiors of the three employees staunchly defended them and refused to dismiss them. The House thereupon passed a rider to the Urgent Deficiency Appropriation Bill for 1943 providing that no salary or compensation should be paid to Lovett, Watson, or Dodd out of any monies then or thereafter appropriated, except for services as jurors or members of the armed services, unless prior to November 15, 1943, the President with the advice and consent of the Senate again appointed them to positions in the government. The Senate rejected the rider five times by overwhelming majorities, but finally felt compelled to agree. In signing the bill, President Roosevelt stated that he would have vetoed the rider had it been possible to do so, since he regarded it as unconstitutional.

The three men remained at work for varying periods of time at their respective jobs after November 15, but received no salary after that date. They sued in the Court of Claims to recover pay for this post-November 15 work on the ground that the rider depriving them of salary was unconstitutional. The Attorney-General declined to represent Congress in this controversy, and Congress was obliged to employ outside counsel to defend the suit. The Department of Justice filed a brief attacking the constitutionality of the congressional rider. The Court of Claims gave the three men judgment on the narrow ground that the legislative rider did not terminate their employment, but merely forbade their compensation out of funds generally appropriated, and that therefore their continued employment was valid and that they could secure payment for it from funds allocated to the satisfaction of judgments allowed by the Court of Claims. Two members of the Court held the rider unconstitutional. In the

⁹ 328 U.S. 303, 1946.

Supreme Court, it was urged on behalf of Congress that the rider was passed in exercise of the delegated power of Congress over appropriations, which is plenary and not subject to judicial review. On this assumption, the issue of the constitutionality of the rider is not a justiciable controversy. It was also argued that the rider did not purport to terminate the employment of the three men, but merely cut off their pay, and therefore could not be regarded as a punitive measure or as a usurpation of the executive power of removal. On behalf of Lovett, Watson, and Dodd, it was argued that the rider was a bill of attainder and an *ex post facto* law, and was a legislative usurpation of executive power, and, by discriminating against these three men, deprived them of liberty and property without due process of law.

The opinion of Mr. Justice Black, holding the legislative rider invalid, covered but two points. First, the record presents a justiciable controversy. A résumé of the history of the efforts of the House of Representatives, through its various committees, to uncover "subversive activities" upon the part of federal employees and to purge the public service of such persons forces the conclusion that the rider was intended to deprive the three men mentioned by it of their employment and to bar them permanently from the federal service. It was not, therefore, a simple exercise of the power to make appropriations, but was in effect a punitive measure. As such, it presents a clearly justiciable issue. Second, the rider must be classified as a bill of attainder. From the two "test oath" cases, *Cummings v. Missouri*¹⁰ and *Ex parte Garland*,¹¹ the Court derives the definition that "legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without judicial trial are bills of attainder prohibited by the Constitution." The legislative denial of "any opportunity to serve the Government is punishment, and of a most severe type." The Court continues: "Section 304 [the rider] thus clearly accomplishes the punishment of named individuals without a judicial trial. The fact that the punishment is inflicted through the instrumentality of an Act specifically cutting off the pay of certain named individuals found guilty of disloyalty makes it no less galling or effective than if it had been done by an Act which designated the conduct as criminal. No one would think that Congress could have passed a valid law, stating that after investigation it had found Lovett, Dodd, and Watson 'guilty' of the crime of engaging in 'subversive activities,' defined that term for the first time, and sentenced them to perpetual exclusion from any government employment. Section 304, while it does not use that language, accomplishes that result. The effect was to inflict punishment without the safeguards of a judicial trial and 'determined by no previous law or fixed rule.' The Constitution

¹⁰ 4 Wall. 277, 1866.

¹¹ 4 Wall. 333, 1866.

declares that that cannot be done either by a state or by the United States."

Postal Censorship—The Esquire Case. In *Hannegan v. Esquire*,¹² the Court upheld an injunction restraining the Postmaster-General from enforcing an order revoking the second-class permit of *Esquire* magazine. While the decision turned on the interpretation of the postal statutes, rather than the First Amendment, it struck an important blow at arbitrary censorship. *Esquire* magazine was given a second-class permit in 1933. In 1943, it was ordered by Postmaster-General Walker to show cause why the permit should not be suspended or revoked. A hearing was had before a board designated by the Postmaster-General, and the board recommended that the permit not be revoked. At this hearing, attention was focussed on the question whether the magazine could be regarded as obscene. Numerous persons were called to express opinions upon this question, with the inconclusive results which might have been anticipated. The Postmaster-General thereupon overruled the hearing board and revoked *Esquire's* second-class permit. He did not rest this action on the ground that the magazine was obscene, and therefore unmailable. He relied rather upon the section of the Classification Act of 1879 which states the conditions under which second-class permits shall issue. The fourth of the conditions there set up reads as follows: "It [the publication] must be originated and published for the dissemination of information of a public character, or devoted to literature, science, arts, or some special industry, and having a legitimate list of subscribers" Publications "designed primarily for advertising purposes" are specifically barred from second-class privileges. The Postmaster-General interpreted this provision in the following words: "A publication to enjoy these unique mail privileges and special preferences is bound to do more than refrain from disseminating material which is obscene or bordering on the obscene. It is under a positive duty to contribute to the public good and the public welfare." The Postmaster-General is, therefore, empowered to revoke the second-class permit of *Esquire* or any other publication if, in his judgment, it does not thus contribute to the public good.

A unanimous Court vigorously rejected the Postmaster-General's interpretation of the statute. Speaking through Mr. Justice Douglas, the Court examined the legislative history of the Classification Act, and found no evidence of Congressional intention to delegate to the Postmaster-General any powers of censorship by the provision here invoked. There is nothing to support the idea "that each applicant for the second-class rate must convince the Postmaster-General that his publication positively contributes to the public good or the public welfare." The Court observes: " . . . a requirement that literature or art conform to some norm prescribed by an

¹² 237 U.S. 146, 1946.

official smacks of an ideology foreign to our system. The basic values implicit in the requirements of the Fourth condition can be served only by uncensored distribution of literature . . . to withdraw the second-class rate from this publication today because its contents seemed to one official not good for the public would sanction withdrawal of the second-class rate tomorrow from another periodical whose social or economic views seemed harmful to another official . . . Congress has left the Postmaster-General with no power to prescribe standards for the literature or the art which a mailable periodical disseminates."

Naturalization of Persons Unwilling to Bear Arms. In three earlier decisions in 1929 and 1931, the Court, in each case by a five-to-four vote, denied citizenship to applicants who refused to swear that they would bear arms in defense of this country, or who put limitations dictated by conscience upon their willingness to do so. These were the cases of *United States v. Schwimmer*,¹³ *United States v. Macintosh*,¹⁴ and *United States v. Bland*.¹⁵ The division in the Court had been emphasized by the persuasive dissents of Mr. Justice Holmes in the *Schwimmer* case, and of Chief Justice Hughes in the *Macintosh* case. In *Girouard v. United States*,¹⁶ the Court overruled the three cases just named and admitted to citizenship a Seventh Day Adventist who declared himself unwilling to take up arms in defense of this country, but who was willing to perform any military service which was not "combatant military duty." In an opinion by Mr. Justice Douglas, the Court emphasized that the crucial issue is one of statutory construction: The statute requires an alien before admission to citizenship to declare on oath in open court that "he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same." The oath does not in terms require a promise to bear arms, and it is obvious that there are many other ways in which a citizen may support and defend our institutions than by doing so. "Refusal to bear arms in not necessarily a sign of disloyalty or a lack of attachment to our institutions. One may serve his country faithfully and devotedly, though his religious scruples make it impossible for him to shoulder a rifle." The oath required of federal officers is "in no material respect different from that prescribed for aliens under the Naturalization Act." This oath does not disqualify conscientious objectors from holding federal office, and there is no evidence that Congress intended to set a stricter standard for admission to citizenship than for officials of the government. This construction of the act is supported by the legislation of 1942 under which aliens who served honorably in the armed forces of the United States may expedite their natural-

¹³ 279 U.S. 644, 1929. See this REVIEW, Vol. 24, p. 86.

¹⁴ 283 U.S. 605, 1931. See this REVIEW, Vol. 26, p. 266.

¹⁵ 283 U.S. 636, 1931. See this REVIEW, Vol. 26, p. 268.

¹⁶ 328 U.S. 61, 1946.

ization. They must take the same oath, but the statute plainly applies to non-combatants as well as combatants. The Court relied chiefly, however, upon the doctrine and the tradition of freedom of thought and freedom of religion so powerfully presented in Holmes' classic dissent in the *Schwimmer* case. It was unwilling to ascribe to Congress, in the absence of the most convincing evidence, a willingness to depart from the traditional protection of this freedom of thought. Chief Justice Stone, joined by Justices Reed and Frankfurter, dissented on the ground that Congress, by fifteen years of silence and inaction, must be held to have adopted and confirmed the construction placed by the Court upon the Naturalization Act in the *Schwimmer* and *Macintosh* cases. The Chief Justice had himself dissented in the *Macintosh* and *Bland* cases, but argued that since no constitutional point is involved, the rule of those cases must now be changed, if at all, by Congress and not by the Court.

Freedom of Press and the Fair Labor Standards Act. For more than ten years, the newspaper industry has been trying to persuade the Supreme Court that "freedom of the press" means "freedom of newspaper publishers," and that the First Amendment, therefore, bars any federal economic restrictions on the newspaper business. The effort has been unsuccessful. The Court has held that the First Amendment gives newspapers no immunity from the operation of the National Labor Relations Act,¹⁷ or the Sherman Act.¹⁸ In *Oklahoma Press Publishing Co. v. Walling*,¹⁹ it is held that freedom of the press is not abridged by applying to a newspaper the provisions of the Fair Labor Standards Act. Mr. Justice Rutledge opened his opinion for the Court as follows: "Coloring almost all of petitioner's positions, as we understand them, is a primary misconception that the First Amendment knocks out any possible application of the Fair Labor Standards Act to the business of publishing and distributing newspapers." He reaches the conclusion that "The Amendment does not forbid this or other regulation which ends in no restraint upon expression or in any other evil outlawed by its terms and purposes." The newspaper had been subpoenaed to produce specified records which would disclose the applicability of the act, and whether it was being violated. This was alleged to amount to an unreasonable search and seizure under the Fourth Amendment, and compulsory self-incrimination under the Fifth Amendment. The Court found the subpoena sufficiently specific and restricted in its terms to defeat the allegation that it constituted an unreasonable search and seizure. It disposed of the self-incrimination argument by reiterating the familiar doctrine that a corporation enjoys no protection

¹⁷ *Associated Press v. N.L.R.B.*, 301 U.S. 103, 1937. See this REVIEW, Vol. 32, p. 282.

¹⁸ *Associated Press v. United States*, 326 U.S. 1, 1945. See this REVIEW, Vol. 40, p. 243.

¹⁹ 327 U.S. 186, 1946.

against self-incrimination, and that an officer of a corporation may not refuse to produce company records on the ground that they will incriminate either him or the corporation.

Federal Juries—Exclusion of Wage Earners. In *Thiel v. Southern Pacific Co.*,²⁰ the Supreme Court ordered retrial in a case in a federal district court which had been tried before a jury drawn from a panel from which wage-earners had been systematically excluded. The case involved a suit brought against the railroad by an injured passenger. The plaintiff moved to strike out the entire jury panel on the ground that it comprised "mostly business executives or those having the employer's viewpoint." As it turned out, five of the twelve jurors drawn were found to "belong more closely and intimately with the workingman and the employee class than they do with any other class." However, the undisputed evidence of the clerk of the court and the jury commissioner was that "they deliberately and intentionally excluded from the jury lists all persons who work for a daily wage." The motive for this exclusion was the protection of wage-earners from the financial sacrifice involved in serving as jurors at \$4 a day when prevailing wage rates are much higher. This did not meet the Court's objection. Mr. Justice Murphy stated the Court's position as follows: "The American tradition of trial by jury, considered in connection with either criminal or civil proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the community. . . . This does not mean, of course, that every jury must contain representatives of all the economic, social, religious, racial, political, and geographical groups of the community; frequently such complete representation would be impossible. But it does mean that prospective jurors shall be selected by court officials without systematic and intentional exclusion of any of these groups. Recognition must be given to the fact that those eligible for jury service are to be found in every stratum of society. Jury competence is an individual rather than a group or class matter. That fact lies at the very heart of the jury system. To disregard it is to open the door to class distinctions and discriminations which are abhorrent to the democratic ideals of trial by jury." This, however, would not prevent a trial judge from excusing from jury duty a daily wage-earner for whom such service would mean undue financial hardship.

Unreasonable Searches and Seizures. The constitutional guarantees against unreasonable searches and seizures and compulsory self-incrimination, which have been dovetailed together ever since 1886,²¹ afford less rigid protection to one whose alleged criminality lies in the area of contractual or official relations with the government than to the wholly

²⁰ 328 U.S. 217, 1946.

²¹ *Boyd v. United States*, 116 U.S. 616, 1886.

private citizen. In *Zap v. United States*,²³ federal agents searched the premises and records of Zap, who had contracts to do experimental work for the Navy on a cost-plus basis. He had agreed that his business records might be inspected. In the course of the search, the agents found a cancelled check which, without permission, they took, and which the government later introduced as evidence in prosecuting Zap for making a fictitious claim against the government. The Court held that the search was lawful and that evidence obtained by it could properly be introduced. Knowledge of the check was lawfully obtained. The check itself could have been lawfully demanded by the use of a search warrant. In view of this fact, the check, though unlawfully taken, could be introduced in the sound discretion of the trial court.

*Davis v. United States*²³ involved a conviction for unlawful possession of gasoline ration coupons. Federal agents bought gasoline of Davis without coupons and arrested him and an employee for the illegal sale. Davis protested that he had the necessary coupons. The agents demanded access to his locked records on the ground that the coupons were the property of the United States. After at first refusing, Davis reluctantly opened his records as a result of what he later alleged was coercion and threats, and what the agents described as "persuasion" and appeals to his sense of duty. The trial court found that Davis had "consented" to the search. The Supreme Court, speaking through Mr. Justice Douglas, upheld the lawfulness of the search in an opinion which emphasized that the rules governing official search for public papers or property are more liberal than those by which private papers are protected under the Fourth Amendment. Mr. Justice Frankfurter dissented in a long opinion, with an appendix, in which will be found an exhaustive review of the cases dealing with the problem of searches and seizures.

*Bell v. Hood*²⁴ arose from a suit for damages brought by Bell against an agent of the F.B.I., on the ground that he had been unlawfully imprisoned and subjected to unreasonable searches and seizures. The federal district court dismissed the suit for want of federal jurisdiction. It was argued in support of the dismissal that the complaint stated a cause of action for a common law tort which was therefore within the jurisdiction of the state courts, and that the petitioner, even if successful, could not recover damages under the Constitution and federal statutes, since neither has provided for such recovery. The Supreme Court held that the district court had jurisdiction. An opinion by Mr. Justice Black held that the action was not a simple tort action triable in a state court, but an action based on an alleged violation of the Fourth and Fifth Amendments. The rights asserted clearly arise under the Constitution, and are therefore within the

²³ 328 U.S. 624, 1946.

²³ 328 U.S. 582, 1946.

²⁴ 327 U.S. 678, 1946.

reach of the federal courts. "The complaint does in fact raise serious questions, both of law and fact, which the district court can decide only after it has assumed jurisdiction over the controversy. The issue of law is whether federal courts can grant money recovery for damages said to have been suffered as a result of federal officers violating the Fourth and Fifth Amendments. That question has never been specifically decided by this Court."

3. JUDICIAL POWER—POLITICAL QUESTIONS

The Illinois Congressional District Case. In 1901, the Illinois legislature apportioned the state into 25 congressional districts, and has not since changed them. Drastic changes in population have occurred since that date, and Chicago now has 43 per cent of the state's total. The population of the congressional districts now ranges from 112,116 to 914,000. Year by year, these inequalities have grown more grotesque. Efforts to compel reapportionment by resort to the state courts have failed. *Colegrove v. Green*²⁶ started as a suit for a declaratory judgment against the state officers comprising the State Primary Certifying Board, the effect of which would be to declare the present congressional apportionment invalid and require the election of all representatives from Illinois on a state-wide ballot until the legislature passed a valid districting statute. Precedent for such a ruling is found in *Smiley v. Holm*,²⁸ in which the Court ordered representatives from Minnesota elected at large after the state's representation in Congress had been reduced from ten to nine following the census of 1930 and the state had failed to pass a valid redistricting statute. The plaintiffs also argued that the existing inequalities in the Illinois apportionment of representatives deprive them of the equal protection of the laws, and abridge their privileges as citizens of the United States by depriving them of the constitutional right to have their votes cast in a congressional election counted at their full value. The district court dismissed the suit on the authority of *Wood v. Broom*,²⁷ in which the Court refused to pass upon the validity of a gerrymander in Mississippi because Congress had omitted from the Apportionment Act of 1929 the provision (contained in all earlier acts since 1872) that congressional districts should be composed of "contiguous and compact territory, and contain as nearly as practicable an equal number of inhabitants."

A Supreme Court of seven, dividing four to three, dismissed the suit. Announcing the judgment of the Court, Mr. Justice Frankfurter declared that the case could be disposed of on the authority of *Wood v. Broom*. He

²⁶ 328 U.S. 549, 1946. See the excellent note on this case by Franklin L. Burdette in this REVIEW, Vol. 40, p. 958 (Oct., 1946).

²⁸ 285 U.S. 355, 1932. See this REVIEW, Vol. 27, p. 49.

²⁷ 287 U.S. 1, 1932. See this REVIEW, Vol. 28, p. 52.

went further, however, and held that the issue raised is non-justiciable. It belongs to the class of controversies which are of "a peculiarly political nature and therefore not meet for judicial determination." After a lengthy analysis of the complexities, controversies, and partisan conflicts bound up in the history of legislative apportionment, with its numerous disparities and gerrymanders, he concludes: "Courts ought not to enter this political thicket. The remedy of unfairness in districting is to secure state legislatures that will apportion properly, or to invoke the ample powers of Congress." Mr. Justice Rutledge concurred. He was unwilling, for fear of upsetting *Smiley v. Holm*, to hold that questions regarding apportionment are non-justiciable. He supported the Court's refusal to decide the case on the ground of want of equity.

A persuasive dissenting opinion by Mr. Justice Black, joined by Justices Douglas and Murphy, supports the constitutional arguments of the plaintiffs. The Illinois apportionment of 1901 denies them the equal protection of the laws. "No one would deny that the equal protection clause would also prohibit a law that would expressly give certain citizens a half-vote and others a full vote." But under the existing apportionment certain Illinois citizens will cast a vote only one-ninth as effective as those cast by others. The Illinois act also abridges the privileges of citizens to vote for members of Congress and have their votes fairly counted. This right plainly implies that the votes cast shall be of equal weight. If Illinois had apportioned twenty-three congressmen to the state's smallest county and one to all the others, nobody would deny that the constitutional rights of the citizens had been impaired. The present apportionment is less objectionable only in degree. To call the issues here presented "political" in nature is a mere "play on words." The issues are no more "political" than those in the white primary cases in which the Court took jurisdiction. What the Court is asked to do is exactly what it did in *Smiley v. Holm*. The plaintiff's petition for rehearing was denied by the Court in October, and a motion for reargument before the full bench was denied in November.

4. FEDERAL-STATE RELATIONS

Federal Taxation of State-Owned Business. In *New York v. United States*,²⁸ a divided Court writing four opinions re-examined the doctrine followed in a series of cases beginning in 1905 with *South Carolina v. United States*,²⁹ which held that although the federal government might not tax the activities of a state when engaged in "its ordinary functions as a government," it could validly tax the state when it was engaged in "the carrying on of an ordinary private business." The state sale of liquor is such "an ordinary private business." New York, with forty-five other

²⁸ 326 U.S. 572, 1946.

²⁹ 199 U.S. 437, 1905.

states supporting its legal position, protested the collection by the federal government of excise taxes on the state's sale of mineral waters taken from Saratoga Springs. The state urged that such sale was "a usual, traditional and essential governmental function." The six justices upheld the federal tax, but on three different grounds. In announcing the judgment of the Court, Mr. Justice Frankfurter rejected the perhaps over-simplified distinction of the South Carolina case doctrine between "proprietary" and "governmental" state functions as determining state immunity from federal taxation. "To rest the federal taxing power on what is 'normally' conducted by private enterprise in contradiction to the 'usual' governmental functions is too shifting a basis for determining constitutional power and too entangled in expediency to serve as a dependable legal criterion." His position is summed up as follows: "So long as Congress generally taps a source of revenue by whomsoever earned and not uniquely capable of being earned only by a state, the Constitution of the United States does not forbid it merely because its incidence falls also on a state." Mr. Justice Rutledge agreed with this, but added that he thought Congress ought to make clear in each case its intention to have general federal excises fall on state activities. Mr. Justice Reed, joined by Justices Murphy and Burton, stated that the problem cannot be solved by a formula. The crucial test should be the actual or potential effect of the immunity from federal taxation of any state activity upon the revenue power of the federal government. "The effect of the immunity on the national taxing power is to be determined, not quantitatively, but by its operation and tendency in withdrawing property or activities from the reach of federal taxation. Not the extent to which a particular state engages in the activity, but the nature and extent of the activity by whomsoever performed, is the relevant consideration." Mr. Justice Douglas, joined by Justice Black, dissented in an opinion which rejects as unsound the doctrine of the South Carolina case or any other doctrine which supports the federal taxation of any state activity, no matter what its nature may be. "The major objection is that it disregards the Tenth Amendment, places the sovereign states upon the same plane as private citizens, and makes the sovereign states pay the federal government for the privilege of exercising the powers of sovereignty guaranteed them by the Constitution." Thus in a situation already complex the Court has made four theories grow where only one grew before.

O.P.A. Regulations Held Applicable to States and Counties. The Washington State Commissioner of Public Lands held an auction sale of school land (land-grant) timber. A lumber company made a bid for the timber which was higher than the O.P.A. ceiling price. The federal Price Administrator sought an injunction restraining the completion of the sale at the bid price. The state defended the action on the ground that the Emer-

gency Price Control Act was not intended by Congress to apply to the states, and that if it did so apply, it violated the Fifth and Tenth Amendments. In *Case v. Bowles*,³⁰ the Court, in an opinion by Mr. Justice Black, sustained the injunction. Congress plainly intended the statute to apply to the states and their political subdivisions, and the Court will not frustrate the purpose of Congress by reading into its provisions exemptions which Congress did not see fit to put there. The argument based on the Tenth Amendment is disposed of as follows: "Since the decision in *McCulloch v. Maryland*, it has seldom if ever been doubted that Congress has power in order to attain a legitimate end . . . to use all appropriate means plainly adapted to that end. . . . And we have said that the Tenth Amendment 'does not operate as a limitation upon the powers, express or implied, delegated to the National Government.' . . . Where, as here, Congress has enacted legislation authorized by its granted powers, and where at the same time, a state has a conflicting law which but for the Congressional act would be valid, the Constitution marks the course for courts to follow." In *Hulbert v. Twin Falls County*,³¹ O.P.A. regulations were held applicable to the sale of tractors by a county. Mr. Justice Douglas dissented in both cases on the ground that the intent of Congress to apply O.P.A. controls to the states was not clear.

5. STATUTORY INTERPRETATION

The Portal-to-Portal Pay Case. In *Anderson v. Mt. Clemens Pottery Co.*,³² the Court was faced with claims of factory workers, grounded on the provisions of the Fair Labor Standards Act, for overtime compensation for periods of time, prior to the beginning and after the end of the standard working day, during which they engaged in activities incidental to their employment. It was this decision which set the stage for the suits totaling billions of dollars later brought by a large number of labor unions for so-called "portal-to-portal" pay. The facts in the case are complex. The company employs about 1,200 men, 95 per cent of whom are paid on a piece-work basis. The plant covers eight acres and is a quarter of a mile long. Whistles are blown for the different shifts to indicate when actual working time begins and ends. A period of 14 minutes before starting time allows employees to enter the plant, punch the time clock, walk to their places of work, change their clothes, prepare materials, etc., for work. A 14-minute period is also allowed after the end of the work-period to enable the men to get ready to leave, and punch the time clock. The time for which the employees are paid extends from the next even quarter-hour after they punch in to the quarter-hour just before the time when they punch out. "Thus an employee who punches in at 6:46 A.M., punches out at 12:14 P.M., punches in again at 12:46 P.M., and finally punches out at

³⁰ 327 U.S. 92, 1946.

³¹ 327 U.S. 103, 1946.

³² 328 U.S. 680, 1946.

4:14 P.M., is credited with having worked the 8 hours between 7 A.M. and 12 noon and between 1 P.M. and 4 P.M.—a total of 56 minutes less than the time recorded by the time clocks." The suit was started to recover overtime pay for this additional time of approximately 56 minutes per day. The district court appointed a master to make a finding of facts. The master recommended that the suit be dismissed on the ground that the employees had not established their claims by a "fair preponderance of evidence." He found that the time spent in walking from the entrance to the place of work need not be paid for, in view of the established custom of the industry. The time spent in preliminary duties after arriving at the place of work was not compensable, since the employees had produced no reliable figures to show the actual amount of such time. The time spent in waiting before and after shift periods need not be paid for because it was not shown that the employees were required to put in this waiting time or that they did not use it for their own purposes. The district court accepted most of these findings, but made one modification. It allowed compensation, not for the four 14-minute periods, but for a little less than half this amount of time, on the theory that the men probably began productive work this much ahead of the scheduled time inasmuch as they worked piece work, and it would be to their advantage to do so. The Circuit Court of Appeals agreed with the master and dismissed the suit, on the ground that the employees had not sustained the burden of proving by a preponderance of evidence that they were not being paid the wages to which they were entitled.

Mr. Justice Murphy spoke for the Court in a decision which upheld the claims of the plaintiffs, and sent the case back to the district court for determination of the actual amount of time for which additional pay was due. The Court made the following points. First, the employee does not assume under the statute the burden of proving by accurate figures the precise amount of overtime for which he claims compensation. It is upon the employer, not the employee, that the act places the duty of keeping accurate records of working time and other relevant facts. It is sufficient if the employee proves "that he has in fact performed work for which he was improperly compensated and if he produces sufficient evidence to show the amount and extent of that work as a matter of just and reasonable inference." Second, the employees did not prove that they were engaged in work from the time they punched in to the time they punched out. It is recognized that the time-clock records cannot accurately register actual working time, and they cannot, therefore, be made the sole basis of determining the statutory work-week. Third, they did prove that they had to be on the premises for some time before actually beginning work. Some of this time was spent in walking to the place of work, and some of it was used in various preliminary activities necessary for the beginning of

productive work, and therefore carried on for the employer's benefit. The time used in these two ways is "working time" within the meaning of the statute and must be paid for. The Court recognized that in some instances the amounts of time involved might be so small as to be negligible. "Split-second absurdities are not justified by the actualities of working conditions or by the policy of the Fair Labor Standards Act. It is only when an employee is required to give up a substantial measure of his time and effort that compensable working time is involved." The evidence indicated that the amounts of time here involved were substantial, and this justified the Court's direction that these amounts be accurately measured so that compensation and damages could be determined.

Fair Labor Standards Act—General. In several cases, the Court added to its already long list of employments subject to the provisions of the Fair Labor Standards Act on the basis of their connection with interstate commerce. *Maybee v. White Plains Publishing Co.*³³ held the act applicable to the employees of a newspaper with a daily circulation of 11,000, one-half of one per cent of which went out of the state. In *Martino v. Michigan Window Cleaning Co.*,³⁴ the act was applied to the employees of a company whose business was to clean the windows of buildings the occupants of which were engaged in the production of goods for interstate commerce. In *Roland Electric Co. v. Walling*,³⁵ the company was engaged in "commercial and industrial wiring, electrical motors and generators, for private, commercial, and industrial uses." Its customers, or some of them, were engaged in interstate commerce. Its employees were held to be covered by the Fair Labor Standards Act. In *Boutell v. Walling*,³⁶ the employees held to be covered by the act were mechanics engaged in greasing and repairing motor vehicles which were rented for the transportation of automobiles and army equipment in interstate commerce.

B. QUESTIONS OF STATE POWER

1. THE FOURTEENTH AMENDMENT

Freedom of Press and Religion. Cases involving freedom of press and religion announced no new doctrine, but extended the reach of previously established principles. The case of *Pennekamp v. Florida*³⁷ turned on an issue almost identical with that in *Bridges v. California*.³⁸ Pennekamp, the associate editor of a Florida newspaper, was cited for contempt by a Florida circuit court. The contempt action was based on two editorials criticizing the circuit court and its judges for their handling of certain criminal cases then pending before the court. The editorials portrayed the

³³ 327 U.S. 178, 1946.

³⁴ 327 U.S. 173, 1946.

³⁵ 327 U.S. 657, 1946.

³⁶ 327 U.S. 463, 1946.

³⁷ 328 U.S. 331, 1946.

³⁸ 314 U.S. 252, 1941. See this REVIEW, Vol. 37, p. 275.

court as obstructing the efficient enforcement of the criminal law by the unjustified quashing of indictments and the use of other legal technicalities. The inference suggested was that the court was wilfully extending protection to lawbreakers. The record showed that the editorials contained "half-truths," did not "fairly report the proceedings of the court," and contained "misinformation." Speaking through Mr. Justice Reed, the Court reversed the conviction on the ground that there was no adequate showing of "clear and present danger" to the fair and efficient administration of justice. The editorials did not comment on evidence or rulings made during a jury trial, but were directed solely against the judges. As in the Bridges case, the Court suggests that able and courageous judges will not be influenced by such newspaper comment. "Freedom of discussion should be given the widest range compatible with the essential requirement of the fair and orderly administration of justice." The contempt citation was held to deny due process of law.

Marsh v. Alabama,³⁹ and *Tucker v. Texas*,⁴⁰ upheld as a protected exercise of religious liberty the right of Jehovah's Witnesses to distribute religious literature on the streets of a company-owned town and a federally-owned village built and managed by the Federal Public Housing Authority. In the *Marsh* case, conviction was for the violation of a state statute making it a crime to enter or remain on the premises of another after having been warned not to do so. Tucker's conviction was under a statute making it an offense for "any peddler or hawker of merchandise" wilfully to refuse to leave the premises after having been notified to do so by the owner. Mr. Justice Black wrote both opinions. It is well established that states and municipalities cannot bar the distribution of religious or political literature on their streets, or make such distribution dependent upon the payment of a tax, or subject to the permission of an official who could deny it at will. The fact of the private ownership of the land in these cases is not controlling. Ownership does not mean absolute dominion. When an owner opens up his property for use by the public, his rights become circumscribed by the statutory and constitutional rights of those who use it. The public has an interest "in the functioning of the community in such a manner that the channels of communication remain free." A state statute which enforces curtailment by the owner of the land of liberty of press and religion violates the First and Fourteenth Amendments. "When we balance the constitutional rights of owners of property against those of the people to enjoy freedom of press and religion, as we must here, we remain mindful of the fact that the latter occupy a preferred position." In the *Tucker* case, it is stated that neither Congress nor any federal agency acting under its authority could abridge religious liberty; nor is there any indication in the federal statutes or the Housing Authority

³⁹ 326 U.S. 501, 1946.

⁴⁰ 326 U.S. 517, 1946.

Regulations of any intention to do so. In both cases, Chief Justice Stone and Justices Reed and Burton dissented.

The Right of Accused Persons to Counsel. Whether denial to an accused person of the right of counsel amounts to a denial of due process depends upon the circumstances of the denial and its effect upon the essential fairness with which the accused is treated. In *Canizio v. New York*,⁴¹ the Court, speaking through Mr. Justice Black, held that due process had not been denied to the petitioner. A nineteen-year-old boy was allowed to plead guilty of the crime of robbery without being represented by counsel, and without being told that he had a right to counsel. The record showed, however, that he was actively represented by counsel during a long hearing preceding the imposition of sentence. It appeared that he had pleaded guilty on condition that two other charges against him be dropped. His attorney, furthermore, had ample opportunity to move to withdraw the plea of guilty had it seemed to him advisable, and the court could have set the plea aside and let the petitioner stand trial. "Even though the petitioner may not have had counsel at the beginning, he had counsel in ample time to take advantage of every defense which would have been available to him originally." Justices Murphy and Rutledge each wrote a dissenting opinion. Mr. Justice Rutledge observed: "In my opinion, the damage done by the original invalid plea was not removed by the attorney's eleventh-hour entry." In *Hawke v. Olson*,⁴² the petitioner, who was convicted of murder, alleged that after his arrest he was held incommunicado except for a brief visit by the public defender who tried to intimidate him into a plea of guilty. He was arraigned the next morning, pleaded not guilty, but was denied a continuance of twenty-four hours for the purpose of consulting counsel, calling witnesses, and preparing a defense. The trial proceeded immediately, and the public defender thereupon stepped forward and entered the case, without having consulted the petitioner. Speaking through Mr. Justice Reed, the Court held that the facts alleged, if true, amounted to a denial of due process, and that the petitioner was clearly entitled to an opportunity to prove that they were true.

Due Process and the Police Power. In *Asbury Hospital v. Cass County*,⁴³ the Court held valid a North Dakota statute of 1933 providing that corporations, both domestic and foreign, which own lands used or usable for farming or agriculture, except such as is reasonably necessary in the conduct of their business, shall dispose of such lands within ten years. Upon their failure to do so, the county in which the lands are located is required to sell them at public auction and pay the proceeds, less the expense of the sale, to the former corporate owner. The Hospital attacked the constitutionality of the act in a suit for a declaratory judgment. It owned lands in Cass county which it had acquired by the foreclosure of a mortgage, and

⁴¹ 327 U.S. 82, 1946.

⁴² 326 U.S. 271, 1945.

⁴³ 326 U.S. 207, 1945.

these lands were leased to farmers. Efforts to sell the land at a price sufficient to cover the original mortgage debt had failed. The Court, in an opinion by Chief Justice Stone, alluded to the well-established doctrine that the Fourteenth Amendment does not deny to a state the power to bar foreign corporations from doing business or acquiring or holding property within the state. This power of the state does not end as soon as a corporation has entered the state lawfully and acquired property therein. The corporation continues to hold property in the state on sufferance, and may, without denial of due process, be required to sell it. Nor does due process require that it recapture the cost of the land.

In 1940, a four-story lodging house was erected on the Bowery in New York City. It complied with all existing laws applicable to lodging houses. In 1944, the New York Multiple Dwelling Law was amended to require that, among other things, all lodging houses of non-fire-proof construction existing before the enactment of the amendment should meet certain new requirements, including the installation of an "automatic wet pipe sprinkler system." In *Queenside Hills Realty Co. v. Saxl*,⁴⁴ which was a suit for a declaratory judgment, the Court held that the lodging-house owner was not denied due process by the requirement of the sprinkler system. "It is for the legislature to decide what regulations are needed to reduce fire hazards to a minimum." The police power is not being exercised arbitrarily. The charge that the amendment denies equal protection of the laws because it imposes the sprinkler system requirement on lodging houses existing in 1944, and not to those erected thereafter, is met by pointing out that there has been no showing that there are any such lodging houses in existence which will escape the law. One cannot prove discrimination by prophesying inequalities which may come into existence in the future, but which do not at present exist.

2. STATE-FEDERAL RELATIONS

State Taxation of Federal Interests. The Court's recent disposition to sanction claims of intergovernmental tax immunity only when very substantial reasons exist for so doing is evidenced in three cases. In *S.R.A., Inc. v. United States*,⁴⁵ the federal government owned land in Minnesota which it sold under a contract providing for a cash payment and annual installments. All of the contract obligations were met, but the major part of the purchase price was not yet due and remained unpaid. Minnesota levied the customary property tax upon this land, "subject to fee title remaining in the United States." The Court held the state tax valid. The equity in the land had passed to the purchaser; the government retained "only a legal title as security." The Court referred to the long line of cases in which federal property has been held immune from state taxation, and

⁴⁴ 328 U.S. 80, 1946.

⁴⁵ 327 U.S. 558, 1946.

stated: "We do not, however, conclude that their rationale leads to an exemption from state taxation of all lands in which the United States holds legal title as security for the purchase price." In *R.F.C. v. County of Beaver*,⁴⁶ the Court held that the Reconstruction Finance Corporation Act of 1932 did not intend to allow the states to tax any property of the R.F.C. except realty. In Pennsylvania, machinery is classified as real property, and Beaver county taxed machinery in a plant owned by an R.F.C. subsidiary. The federal statute does not define "real property," and the Court decided that "the Congressional interest will best be accomplished by the application of settled state rules as to what constitutes 'real property.' " The tax was held valid. In *Wilson v. Cook*,⁴⁷ the Court held that Arkansas could validly collect a "severance" tax upon the cutting of timber, under contract with the federal government, on forest reserves which are part of the public domain of the United States. The forest lands were acquired by purchase and not by cession from the state, and therefore federal jurisdiction over them was not exclusive and the state's power to levy the tax remained intact.

State Police Power and Interstate Commerce—Racial Segregation on Interstate Buses. Of the cases involving the validity of state police regulations affecting interstate commerce, the most important was *Morgan v. Virginia*,⁴⁸ in which the Court held that a Virginia statute requiring the segregation of Negroes and whites on interstate buses unduly burdened interstate commerce. Mr. Justice Reed, for the Court, emphasized that in the field of transportation where Congress has not acted, "a state may validly enact legislation which has predominantly only a local influence on the course of commerce." State statutes regulating racial association on interstate vehicles have much more than a local influence. Bus transportation reaches all over the country. Eighteen states prohibit racial segregation on public carriers; while ten states require segregation on motor carriers. The enforcement of these state laws against carriers engaged in interstate transportation produces cumulative inconveniences and burdens, among which are the repeated shifting of seats upon reaching state lines, as well as the difficulties of applying the various definitions used to identify white and colored passengers. In *Hall v. De Cuir*,⁴⁹ in 1877, the Court held that interstate commerce was invalidly burdened by a state law forbidding racial segregation on public conveyances. "The transportation difficulties arising from a statute that requires commingling of the races, as in the De Cuir case, are increased by one that requires separation, as here." The Court concludes: "It seems clear to us that seating arrangements for the different races in interstate motor travel require a single, uniform rule to promote and protect national travel. Consequently, we hold the Virginia statute in controversy invalid."

⁴⁶ 328 U.S. 204, 1946.

⁴⁷ 327 U.S. 474, 1946.

⁴⁸ 328 U.S. 373, 1946.

⁴⁹ 95 U.S. 485, 1877.

State Power to Regulate or Tax the Business of Insurance. After the decisions in *United States v. Southeastern Underwriters Association*⁵⁰ that the business of insurance is interstate commerce, Congress passed in 1945 the McCarran Act which provided that the continued taxation and regulation of the insurance business by the states was in the public interest and that the failure of Congress to tax or regulate the business should not be construed as a barrier to its regulation or taxation by the states. In *Prudential Insurance Co. v. Benjamin*,⁵¹ the Court held this act valid and refused to enjoin the collection by South Carolina of a license tax upon a foreign insurance company, based upon the amount of premiums from business done in the state. In *Robertson v. California*,⁵² the Court sustained a conviction for violating a state statute which required every insurance agent in the state to be licensed by the state, and forbade his acting as an agent for a company which had not been admitted to do business in the state.

3. CONTRACT CLAUSE—NEW YORK MORTGAGE MORATORIUM

The New York Moratorium Law was passed in 1933. It suspended the right of foreclosure of mortgages, but provided for the payment of interest and for amortization of the debt. Any doubts about its constitutionality were settled by the Supreme Court's decision in the Minnesota case of *Home Building & Loan Assoc. v. Blaisdell*.⁵³ The act was extended from time to time by the legislature. The last extension took place in 1943 and was grounded upon the report of a joint legislative committee which had made an exhaustive study of the whole mortgage situation. The improvement in economic conditions was reflected in the provisions of the 1943 statute, which increased the rate of amortization. In *East New York Savings Bank v. Hahn*,⁵⁴ the validity of the renewal act was attacked on the ground that the emergency conditions which led to its enactment no longer exist, and that it therefore violates the contract and due process clauses. The Court, speaking through Mr. Justice Frankfurter, rejected this view and held the act valid. He pointed out that "the New York Legislature was advised by those having special responsibility to inform it that 'the sudden termination of the legislation which has dammed up normal liquidation of these mortgages for more than eight years might well result in an emergency more acute than that which the original legislation was intended to alleviate.' . . . It would be strange indeed if there were anything in the Constitution of the United States which denied the State the power to safeguard its people against such dangers. There is nothing."

⁵⁰ 322 U.S. 533, 1944. See this REVIEW, Vol. 39, p. 300.

⁵¹ 328 U.S. 408, 1946. ⁵² 328 U.S. 440, 1946.

⁵³ 290 U.S. 398, 1934. See this REVIEW, Vol. 29, p. 54.

⁵⁴ 326 U.S. 230, 1945.

AMERICAN GOVERNMENT AND POLITICS

THE FEDERAL ADMINISTRATIVE PROCEDURE ACT

FOSTER H. SHEERWOOD

University of California (Los Angeles)

The President's signature of the new Administrative Procedure Act¹ completed the second or legislative phase of the reform of administrative procedure which began with the introduction and passage of the ill-fated Walter-Logan bill in 1939-40. The investigatory phase which preceded it had its beginning in the reluctant recognition accorded administrative law as a separate discipline at about the turn of the century. The refusal to recognize the existence of administrative law gave way before a volume of literature on the subject, and became transformed into a criticism of the administrative process itself.² The movement for reform of which the act of 1946 was the culmination has come largely in answer to these criticisms. Ignoring differences in phraseology and attacks on specific agencies, most critics appear to agree on the following arguments:³

(1) *The administrative process is essentially dangerous in that it ignores the traditional American theory of the separation of powers, a principal protection against tyranny and dictatorship in the United States.* This argument may appear in several forms. Sometimes it is said that administrative law is to be deplored because it is typical of alien countries which are not as advanced politically as we. In the hands of the American Bar Association, this argument is used to point up dangers inherent in any system that has a tendency to limit judicial review. And sometimes the allegation is merely that the administrative process is a violation of the separation theory, leaving the evils of such a violation to implication. Although it is not proposed here to attempt to refute or qualify these arguments, it is clear that the critics' point is based upon a rather strict and complete separation of powers, a somewhat doctrinaire understanding.⁴

(2) *The administrative process is frequently unfair since it permits the functions of prosecutor and judge to be discharged by the same individual*

¹ Pub. Law 404, Ch. 324, 79th Cong., 2nd sess., approved June 11, 1946.

² Cf. Felix Frankfurter, "The Task of Administrative Law," *Univ. of Pa. Law Rev.*, Vol. 75, p. 614 (1927).

³ The volume of such criticism is almost unlimited. But see, as leading examples, James M. Beck, *Our Wonderland of Bureaucracy* (New York, 1932); Carleton K. Allen, *Bureaucracy Triumphant* (London, 1931); *Amer. Bar Assoc. Reports*, LVII, 407; LIX, 539; LX, 136; LXI, 723; LXII, 789; LXIII, 331; LXIV, 574; LXV, 215; LXVI, 439; LXVII, 226; LXVIII, 249; LXIX, 271.

⁴ Cf. Charles G. Haines, "The Adaptation of Administrative Law and Procedure to Constitutional Theories and Principles," in this *REVIEW*, Vol. 34, p. 12 (1940); Jerome Frank, *If Men Were Angels* (New York, 1942), Chaps. 13-15.

Occasionally appropriate examples of this vice are given, but usually the illustrations cited show that the author is attempting to apply the standards of ordinary adversary litigation uniformly to the whole administrative process.⁵

(3) *Administrative agents as a group belong to the political branches of the government, and lack the training and experience necessary to give them judicial impartiality.* Such individuals are said to have demonstrated their susceptibility to political pressures, which are in fact inevitable on account of their location in the structure of government. Further, they do not show a proper respect for the traditions and practices of the common law, since they are not necessarily trained in the law. Finally, the procedure that is developed by such non-judicial agents emphasizes results to the detriment of the constitutional liberties of the individual.

(4) *Congress, in making provision for administrative agencies, has frequently abdicated its proper function by turning over to such bodies a large share of public policy-making, which is carried on in secret and without popular controls.* This charge sometimes takes the form of an allegation that Congress has delegated unlimited power to its agents; or that the power thus granted is given without restriction or standards and is liable to abuse or arbitrary usage.

(5) *Congress has created agencies as the need has arisen without attempting to fit them into any pattern or to standardize their procedures and methods.* The result has been to create a "wonderland" of agencies and regulations that cannot be understood by either the individual or his attorney.

Emphasis among the above attacks has varied from time to time and group to group. Some proposals have emphasized structural reforms almost exclusively. Thus the President's Committee on Administrative Management recommended a separation of the decision-making function and personnel from other parts of the agencies involved.⁶ This was followed, beginning in 1938, by Senate consideration of a number of bills to create a legislative administrative court.⁷

Meantime, other lines of attack were being developed. The American Bar Association appointed a Committee on Administrative Law in 1933 which after considerable investigation and debate framed a statute sponsored by the Association and introduced in Congress in 1939.⁸ At approxi-

⁵ This point of view is explored in the Report of the Administrative Law Committee of the District of Columbia Chapter of the National Lawyers Guild, *Law, Guild Rev.*, Vol. 5, p. 81 (1945).

⁶ President's Committee on Administrative Management, *Report with Special Studies* (Washington, D. C., 1937), 41-42.

⁷ S. 1835, 73rd Cong., 1st sess.; S. 3787 and H.R. 12297, 74th Cong., 2nd sess.; S. 3676, 75th Cong., 3rd sess.; H.R. 234, 76th Cong., 1st sess.; S. 916 and H.R. 4235, 76th Cong., 1st sess.

⁸ H.R. 6324, 76th Cong., 3rd sess. Cf. Amer. Bar Assoc. *Reports*, LXIII, pp. 331 ff.

mately the same time, and at the suggestion and under the leadership of the Attorney-General, the President appointed a Special Committee on Administrative Procedure. The Association bill, which became known as the Walter-Logan bill, passed Congress in 1940, while the report of the Attorney-General's Committee was still awaited.

The approach of the Walter-Logan bill was one which also emphasized the structural point of view, since the solution which it offered was largely one of enlarging judicial controls over the agencies affected. All government agencies, except those specifically exempted by the statute, were divided into two groups: those headed by a single administrator, and those headed by a board or commission of three or more members. In the former, administrative orders and decisions were to be made by specially created employee boards; in the latter, hearings might be held by examiners, but decisions were to be made by the board or commission itself. Decisions of employee boards were to be written and to include a statement of the findings upon which they were based. Interpretative rules were to be made only on notice and after hearing, and were to be binding only after publication unless the President proclaimed an emergency. No provision was made in the act recognizing a right to petition for a change of rules thus issued. Nor did the measure contain any descriptions of procedure or content of hearings or notice. Judicial review of administrative action in the Court of Appeals of the District of Columbia, the Court of Claims, or any circuit court of appeals was to be available to determine the existence of substantial evidence, or whether there was support in findings of fact contained in the record, or to determine jurisdictional, legal, and constitutional questions. The requirements of the bill would have applied to all government acts of administrative agencies without discrimination—licensing, final orders, intermediate orders, rules of general application, rules of specific application, etc.—except for the list of older administrative bodies that were specifically exempted from all provisions of the act.

Among other reasons given by the President for his veto of the Walter-Logan bill⁹ was the coming report by the Attorney-General's Committee.¹⁰ This report, together with the veto of the Bar Association bill, resulted in the introduction of three new bills in Congress in 1941. One of the number was an outgrowth of the Committee's studies, and was written by its majority.¹¹ It emphasized the need for continuing study and piecemeal reform through the establishment of an Office of Administrative Procedure. The same Office was to nominate hearing officers and to protect them in their tenure of office. The bill concerned itself with only those adjudications which under existing statutes had to be made after hearing and upon a

⁹ For the message, see 76th Cong., 3rd sess., House Doc. No. 986.

¹⁰ Attorney-General's Committee on Administrative Procedure, *Final Report* (Washington, D. C., 1941).

¹¹ S. 675, 77th Cong., 1st sess.

record; and with respect to such action, it attempted to standardize the meaning of the requirements. It stipulated when a hearing would be necessary, provided that when hearings were not held before agency heads they should be held before the hearing officers designated, described the powers and duties of such officers, guaranteed to parties the right to appear and present evidence, and provided rules to govern agency review of such decisions. With respect to rule-making, the bill merely standardized provisions concerning publicity. These were the reforms that the Committee felt justified in making on the basis of the studies already conducted. But the proposed Office of Administrative Procedure was to continue such studies and recommend changes from time to time to the agencies concerned or, if necessary, to Congress.

A second bill was written by a minority of the Committee.¹² It also proposed the establishment of an Office of Administrative Procedure, and with similar functions. The minority bill, however, concerned itself with a larger share of the field of administrative action. The issuance of administrative rules must be preceded by any one of several specified hearing procedures. The rules referred to included statements of agency organization, general policies, interpretations, procedures, forms and instructions, as well as statements of substance where expressly authorized by statute. Judicial review of such rules was to be available at any stage of their application or threatened application, or upon proper petition for a declaratory judgment, under provisions similar to those of the Walter-Logan bill. With respect to administrative adjudication also, this proposed act followed the Walter-Logan bill, except that certain functions were exempted from its provisions rather than named agencies. It applied to all such activity unless specifically exempted, whether or not a hearing was required under existing statutes. Notice and hearing procedures were specified in some detail, and these requirements applied not only to the hearings held by commissioners provided in the act, but to all hearing and deciding officials. The bill proposed to confer a right of judicial review upon "any person adversely affected."

The third proposed act was one again sponsored by the American Bar Association.¹³ In its principal provisions, it paralleled both the minority and Walter-Logan bills, except that it established neither the employee boards of the Walter-Logan Act nor the Office of Administrative Procedure of the other proposals. A large number of agency functions were excepted from certain provisions of the act; rule-making was to be reviewable in the courts, but only after administrative remedies were exhausted; and decisions were to be reviewable under provisions similar to those in the minority bill.

¹² S. 674, 77th Cong., 1st sess.

¹³ H.R. 3464 and S. 918, 77th Cong., 1st sess.

Extensive hearings were held on these three proposals by the Senate Committee on the Judiciary throughout most of 1941, but no action was taken since no one of them could secure sufficient support.¹⁴

On June 21, 1944, two new bills were introduced;¹⁵ and they were revised and reintroduced in the Seventy-ninth Congress.¹⁶ Agencies and others interested were invited to appear and testify before the House Committee on the Judiciary and submit written statements to the Senate Committee on the Judiciary. The new proposals were sponsored by the American Bar Association, which played a leading part in the deliberations of the committees,¹⁷ and by the minority of the Attorney-General's Committee, so that the statute as finally written bears close resemblance to earlier plans formulated by these two groups.¹⁸ The Attorney-General's Committee also sponsored the introduction of two new versions of its original bill,¹⁹ but these received no committee consideration and were quite forgotten when the new Attorney-General removed the last obstacle to the passage of the Bar Association proposal by endorsing it in a letter to the House and Senate Committees on the Judiciary.²⁰

In its general provisions, the new act can be contrasted sharply with the statute written by the Attorney-General's Committee. Like the Walter-Logan bill, it contains no statement of policy and makes no provision for the continuing study of these problems through a device such as the Office of Administrative Procedure. The "right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative," is recognized in a manner even broader than the Walter-Logan bill's statement that attorneys should be eligible to practice before agencies "unless otherwise prohibited by law." Investigatory powers not limited, or even mentioned, in the Walter-Logan or majority bills are handled in a manner similar to that of the minority and second Bar Association bills. Investigations are restricted to those expressly authorized by law, and subpoenas are similarly limited to issuance when authorized

¹⁴ Senate Committee on the Judiciary, *Hearings on S. 674, S. 675, and S. 918*, 77th Cong., 1st sess.

¹⁵ H.R. 5081 and S. 2031, 78th Cong., 1st sess. Cf. *Amer. Bar Assoc. Jour.* Vol. 30, p. 226 (1944).

¹⁶ H.R. 1203 and S. 7, 79th Cong., 1st sess.

¹⁷ The Committee on Administrative Law of the American Bar Association issued at about this time a monograph, *Legislative Proposals on Federal Administrative Procedure* (Chicago, 1944), which discussed the pattern of the bills and compared them with the Association's declaration of policy on the subject adopted in 1941.

¹⁸ The Association's Committee on Administrative Law calls the final statute a revision of the minority proposals. *Amer. Bar Assoc. Jour.*, Vol. 31, p. 624 (1945).

¹⁹ H.R. 184 and H.R. 1206, 79th Cong., 1st sess.

²⁰ For the text of the letter, see *Amer. Bar Assoc. Jour.*, Vol. 31, p. 619 (1945).

by law on a showing of reasonable scope and general relevance of the evidence sought.

With respect to the provisions concerning administrative rule-making, the parallel is equally close. Exemptions follow the pattern of the minority bill rather than of the Walter-Logan bill, which granted blanket exceptions to all of the act for certain specified agencies. Exceptions here include national defense and foreign affairs activities, and all matters "relating to agency management or personnel, or to public property, loans, grants, or benefits." Rules specified include descriptions of organization and delegations, procedures and forms, and substantive rules and interpretations. The coverage is similar to that of all but the second Association bill, which did not include forms and rules of practice, and the Walter-Logan bill, which applied to interpretative rules only.

As was true of the minority bill, the issuance of rules must be preceded by notice and by opportunity for interested parties to participate. This requirement applies to all rule-making where a hearing is required by statute, unless the agency finds, and so announces, that the procedure is "impractical, unnecessary, or contrary to the public interest," or unless existing statutes require a hearing and a record. In the latter event, the procedure specified is the adjudicatory one discussed below. Further, "every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule." Finally, such rules are subject to judicial review at the instance of any "aggrieved" person. This whole section differs from the minority bill only in that the act described several alternative procedures available which were to apply to all rule-making, whether or not a hearing was required in existing statutes, and in that in the minority bill the agency was not required to find and publish the reasons for not holding a hearing.

With respect to administrative adjudications, the parallel is almost as close. Exceptions to this section are similar to those of the minority bill, and include all matters subject to trial *de novo* in a court under existing law, all matters involving government personnel except examiners appointed under this act, proceedings resting solely on inspections, tests, or elections, military, naval or foreign affairs functions, agents acting for a court, and employee representation certification proceedings. These exceptions are somewhat different from those provided in previous bills, which usually exempted all arbitration and mediation of labor disputes, fiscal and monetary operations of the Treasury and Federal Reserve Board, relief, procurement or disposition of public property or works, lending, spending, and taxation. But since this section applies only to matters required by statute to be determined on a record after hearing, and since the earlier proposals were intended to supersede all existing statutory requirements, the difference is not great.

Notice must be given in all applicable cases, including those instances of rule-making noted above, and must contain a statement of the time and place of hearing, the authority under which held, and the matters of fact and law asserted. Presiding officers at the hearings are required to limit their attention to evidence publicly introduced and are forbidden to consult with one adversary except in the presence of the other. Further, the presiding officer is made immune from direction or control of any investigating or prosecuting employee regardless of whether or not he is engaged in the same case. These provisions do not apply to applications for initial licenses or to public utility rate or facility proceedings.

The hearing thus provided for is to include an opportunity to present oral evidence and to cross examine to the extent required "for a full and true disclosure of the facts." In determining claims for money or benefits or initial applications for licenses, an agency may require that all or a part of the evidence be submitted in written form. The statute also forbids the issuance of any rule or order "except upon the consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence."²¹ This probably means that in all hearings required preceding the issuance of rules, the evidence must support the rule to the same degree as is required in the case of an adjudication. If so, it is a more strict requirement than that of any previous bill and represents an important limitation on the ability of agencies to issue rules. Previous proposals provided for judicial review of rule-making to determine matters of constitutional and statutory rights and matters of procedure in rule-making, which would have been an innovation; but this provision encourages judicial review of the weight of the evidence introduced in such quasi-legislative hearings. In all other important respects, these hearing procedures parallel those of the minority bill.

With respect to the decisions of such agencies, the provisions of the act are not materially different from previous proposals. Decisions may be made by hearing officers or by the agency itself, whether the hearing was before it or not, the latter being a new variation. Such decisions become final unless within a period specified by the agency an administrative appeal is taken either on its own motion or on that of a party. Whenever the decision is made by the agency without having presided at the hearing, a tentative decision must be recommended unless the agency finds on the record that such a procedure is impractical. The decision must include findings and conclusions and the evidence upon which they are based for all material issues of fact, law, or discretion presented in the record. These provisions are made applicable for the first time to some instances of rule-making as well as adjudication, as noted above.

²¹ Pub. Law 404, Ch. 324, sec. 7 (c), 79th Cong., 2nd sess.

The section of this act that concerns judicial review is somewhat less stringent than those found in previous Bar Association proposals. Where the Walter-Logan and second Bar Association bills attempted to provide an all-inclusive review procedure which would be uniform, the new statute recognizes all existing adequate forms of action and creates no new remedies. The right of review in the courts is recognized as belonging to "any person suffering legal wrong because of any agency action, or adversely affected or aggrieved," except where existing statutes preclude judicial review, or "agency action is by law committed to agency discretion."²² The review thus guaranteed applies to all final acts, including action otherwise final which has not been presented as an appeal to superior agency authority. This attempts to modify the well recognized rule that administrative remedies must be exhausted before resort to the courts can be successful. Review extends to include determination of charges that agency action is "(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements [of hearings under this act] or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial *de novo* by the reviewing court."²³

It is clear from the foregoing comparison that the authors of this statute have made but few changes from their preceding proposals, retaining many features both good and bad. For example, while the exceptions to the requirements of notice and hearing in rule-making have largely been taken over from the minority bill, the section is likely to do more harm than good. While presumably excepting such orders as weekly volume regulations, daily grade and size regulations, and daily loading and shipping prohibitions of the Agricultural Marketing Administration, and some rules of the Federal Reserve Board, the Securities Exchange Commission and other agencies, where such requirements would constitute fatal delays, publicity, or dangers, such exceptions are based on express findings. It is difficult to anticipate the source of facts for findings in the absence of hearings and within the limits that are imposed on investigations in the statute. And, of course, the question of the legitimacy of the exception is merely an additional source of litigation and delay. The very broad definition of what rules are seemingly excludes very little. Would an agency be forced to issue rules covering all phases of its work, including, for example, considerations which will cause it to recommend the institution of criminal proceedings for a violation of its substantive rules? Nor does the

²² *Ibid.*, sec. 10.

²³ *Ibid.*, sec. 10 (e).

law make clear whether an agency is limited to acting under its own rules or whether it may act directly under the statute; nor, for that matter, whether the agency is bound by its interpretative or substantive rules until formally changed. The guarantee of a right of petition for a change in rules is another provision of doubtful value. If consideration of such petitions is compulsory, the agency may very well be swamped by frivolous requests having delay as their sole objective.

With respect to adjudications as well, not all of the inadequacies of previous bills have been eliminated. In the abstract, a separation of judging and prosecuting functions is a sound principle. But it is difficult if not impossible to point to the difference between these activities in many cases. Merely because the government takes the initiative, it does not always follow that it occupies the position of prosecutor even in all cases of rule-making; and, as has been noted, this section applies the separation to some rule-making as well. This the statute admits when it excepts licensing from these adjudicatory requirements. But licensing is merely a different regulatory method which may be used as a substitute for other adjudicatory techniques in many cases. Further, the statute requires the decision to be made exclusively on the record, which will prevent an administrative hearing officer from utilizing his experience and training—a use which constitutes the reason for his position, and which has been judicially approved.²⁴ Again, while notice and hearing prior to adjudication are usually virtues of a high order, they may become evils when uniformly required. The courts have for a long time recognized that, in matters of taxation and public health particularly, summary administrative orders may be necessary preceding a hearing.²⁵ Yet no provision is made for such orders and hearings, and the implication of the act is that they are forbidden, even though they have a good judicial model in the temporary injunction.

The third type of administrative action, i.e., licensing, is carefully distinguished from rule-making and decision-making. But again, over-careful consideration of the interests of private parties may endanger the public interest. The law provides: "Except in cases of willfulness, or those in which public health, interest, or safety requires otherwise, no withdrawal, suspension, revocation, or annulment of any license shall be lawful unless, prior to the institution of agency proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee by the agency in writing and the licensee shall have been ac-

²⁴ *Chicago, etc. Ry. Co. v. Babcock*, 204 U. S. 585 (1907); *Boggs & Buhl, Inc. v. Comm. of Int. Rev.*, 34 F. (2nd) 859 (C.C.A. 3rd, 1929).

²⁵ *No. Amer. Cold Storage Co. v. Chicago*, 211 U.S. 306 (1908); *Bragg v. Weaver*, 251 U.S. 57 (1919); *Rindge Co. v. Los Angeles*, 262 U.S. 700 (1923); *Nickey v. Mississippi*, 292 U.S. 393 (1934); *Driscoll v. Edison L. & P. Co.*, 307 U.S. 104 (1939).

corded opportunity to demonstrate or achieve compliance with all lawful requirements."²⁶ Such a provision invites litigation over its exceptions; but, more important, it is an open invitation to licensees to violate the law until caught. For presumably there is no penalty for past violations if obedience is promised for the future.

Even though the provisions for judicial review are somewhat less sweeping than in previous statutes, problems will be created by the act. The review section does not apply where "agency action is by law committed to agency discretion." Presumably, if by "law" is meant judicial construction, a considerable exception has been granted; but if only statutory language conferring such discretion is to be included, the exemption is almost non-existent. Further, the act makes no distinction between the review of administrative orders or decisions and the review of administrative rules. To be sure, the distinction between them is difficult to draw in many cases, since "cease and desist" orders, and some orders of the Maritime Commission,²⁷ for example, are legislative in form and adjudicatory in effect. But there is some doubt whether the courts would be able to review a rule of general applicability and future effect prior to its application in a particular case.²⁸

It is clear that the proponents of the act have adopted as their model ordinary judicial procedure in an adversary action. This doctrinaire approach leaves much to be desired in terms of adequacy when applied, as it is, to almost the entire field of administrative action. No study of the administrative process yet conducted has done more than cover a part of the field. This act goes farther than any study, yet makes no provision for further study and experimentation. But even on the basis of the conducted studies, some general results can be anticipated. The assumption of the adversary model as generally applicable to administrative action is false. When applied to rule-making, it ignores the history of legislatures, which has shown the need for investigatory and other techniques.²⁹ It assumes that the interested parties are individuals and that their separate interests are as great as the interest of the public. And it assumes that all parties to be affected can be known in advance and have equally easy access to hearings. Such a point of view is sound in many instances, but the judgment must be made in the instance and not generally. Even within the

²⁶ Pub. Law 404, Ch. 324, 79th Cong., 2nd sess., Sec. 9 (b).

²⁷ See Attorney-General's Committee on Administrative Procedure, Document 186, pt. 4. The orders referred to are those issued under Sec. 19 of the Merchant Marine Act of 1920 (41 Stat. 988).

²⁸ This doubt seems to originate with *Keller v. Potomac Electric Co.*, 261 U.S. 428 (1923). Cf. *Inland Empire Council v. Millis*, 325 U.S. 697 (1945).

²⁹ Cf. Ralph F. Fuchs, "Procedure in Administrative Rule-Making," *Harvard Law Rev.*, Vol. 52, p. 259 (1938).

field of adjudication, "trial by combat" does not always embody all the virtues of fair play.³⁰

The foregoing comparison shows that the critics of the administrative process have maintained a high degree of consistency in their arguments. To be sure, it is admitted that the administrative process is here to stay; few any longer dispute that. But if it is to be tolerated, it will be reduced to the familiar terms of the separation-of-powers theory. Prosecution is to be separated from judging, whether or not the prosecutor prosecutes, or the judge adjudicates, in the accepted sense. As many as possible of the characteristic and unique trial-and-error techniques of administration are to be destroyed or hedged about with inapplicable restrictions.³¹ And the development of new techniques to suit particular problems is to be discouraged. With all this, the inadequacies of the act are to come to the attention of Congress only through accident, and not as a result of any systematic and continuing professional study.

The next and third phase of the reform movement will be the most difficult to follow. It will be concerned with the application, interpretation, and amendment of this still unsatisfactory statute.

STRENGTHENING STATE LEGISLATURES

LYNTON K. CALDWELL

Council of State Governments

Declining prestige of legislative bodies has recently prompted inquiries looking to self-appraisal and reform in Congress and in legislatures of a number of the states.¹ Dissatisfaction with the traditional organization and procedure of state legislatures has grown among legislators, who undertake the perplexities of present-day law-making with inadequate assistance and ineffective machinery. Legislation was seldom a simple problem, but it is today more difficult than at any time in our national history. As the responsibilities thrust upon legislatures are increased, so must the tools and processes of legislation be improved if the quality of legislation is to meet the needs which call it forth.

To assist in the reappraisal and review of state legislative organization and procedure, twelve general suggestions for strengthening state legisla-

³⁰ See Thurman W. Arnold, "Trial by Combat and the New Deal," *Harvard Law Rev.*, Vol. 47, p. 913 (1934).

³¹ The trial and error method is considered one of the prime virtues of the administrative process by Professor Dickinson. See John Dickinson, *Administrative Justice and the Supremacy of Law* (New York, 1927).

¹ John A. Perkins, "Congressional Self-Improvement," in this REVIEW, Vol. 38, pp. 499-511 (June, 1944); "State Legislative Reorganization," *ibid.*, Vol. 40, pp. 510-521 (June, 1936).

tures have been reported to the Council of State Governments by a committee of state officials. Appointed in November, 1945, by the Board of Managers of the Council, the Committee on Legislative Processes and Procedures² developed its report after broadly surveying legislative theory and practice and selecting for recommendation to the states those measures of most general application. Dealing with the problems of state legislatures generally, the committee decided at an early date to direct its attention to the strengthening of state legislatures as presently constituted. Questions of reapportionment, of representation in the legislature, proportional representation, unicameralism, and certain mechanics of procedure such as electrical voting were not treated in the final report. The committee held that any attempt to develop a program covering all phases of the legislative process would diffuse its efforts to the extent of defeating its purpose. Certain questions, notably legislative reapportionment, of particular interest in several states were not issues of primary concern to the greater number of states. Recognizing that no program could be drafted which would answer the needs of all states, the committee chose to limit its recommendations to those measures which might be expected to bring greatest benefit to the greatest number of the states.

Following are the recommendations of the committee, with brief comment on their application:

1. *Legislative Sessions.* Restrictions upon the length of regular sessions should be removed. If legislatures may be called into special session by governors or by a majority of their members without undue restrictions upon the measures to be considered, the question of annual versus biennial sessions is largely resolved.

The increasing number and complexity of public questions requiring legislative consideration have made obsolete traditional restrictions upon the length of legislative sessions. That constitutional and statutory limits upon the length of sessions do prevent legislatures from sitting as long as the effective discharge of their duties might require is suggested by a comparison of the average length of sessions in states which have restricted duration and those that do not. In 1943, the average length of sessions in twenty-six states limiting duration was approximately 73 days. In the twenty-two states having no restrictions, the average length was 114 days.³ Allowing for differences among the states with respect to how the actual number of days of a legislative session is calculated, and recognizing that for some states all legislative business may be adequately dispatched

² Members of the committee were Senator Floyd E. Anderson of New York (chairman); D. Hale Brake, state treasurer of Michigan; Senator Grant McFarlane of Utah; Senator M. C. Matthes of Missouri; John M. Rankin, attorney-general of Iowa; Representative George W. Stetson of Massachusetts; Senator Lee B. Weathers of North Carolina; Senator Joseph Reavis of Nebraska; and Representative George Yantis of Washington.

³ Cf. *The Book of the States, 1945-46*, pp. 108, 113.

within the limits imposed upon the length of the session, the committee concluded that little was to be gained by restricting session length, whereas much was likely to be lost.

After considering annual versus biennial sessions, the committee concluded that no general recommendation could be made to the states with respect to this question. Six states—California, Massachusetts, New Jersey, New York, Rhode Island, and South Carolina—now have annual sessions; but provisions for special sessions permit the legislatures of all states to meet annually, or even more frequently if necessary. During 1946, seventeen state legislatures convened in special session, and in California, Illinois, Michigan, and New Jersey two special sessions were held; three were held in Arizona and four in Ohio. In a number of states, restrictions upon the agenda of special sessions limit their value as a substitute for annual sessions. The committee concluded that although regular annual sessions might not be necessary for a considerable number of the states, consideration should be given to liberalizing the rights of the legislature with respect to the measures to be considered in special sessions, thus in large measure resolving the question of annual versus biennial sessions.

2. *Legislators—Compensation.* From the viewpoint of good public service, the compensation of state legislators is now too low. Annual salaries sufficient to permit competent persons to serve in legislatures without financial sacrifice should be provided by statute. Salaries should not be fixed by constitutional provision.

Whether increased compensation for legislators will result in a more competent and independent legislature is a moot question. The committee believed increased legislative compensation justified upon the basis of the present responsibilities of legislators. Obviously, no uniform level of legislative salaries could be prescribed for all states. Nevertheless, the committee felt that in most states a review of the compensation of the legislators was in order, and particularly that the method of fixing salaries by constitutional provision should be abandoned. It was believed that the sensitivity of legislators to unfavorable public response to increased legislative salaries would provide adequate check upon the legislature, and that it is unwise to freeze a particular pattern of compensation by writing it into the state constitution.

3. *Legislators—Terms.* In order to strengthen legislatures by increasing continuity of membership, the lengthening and staggering of legislative terms should be considered. In representative government, frequent elections are necessary. Experienced legislative leadership and smoothly operating legislative machinery likewise contribute to the attainment of democratic objectives.

There appears to be growing feeling among legislators that the variety and complexity of contemporary legislative problems places a higher premium on experience in the legislature and on continuity of legislative

membership than in earlier days. Offsetting this consideration is the traditional reliance upon frequent elections to hold a legislature accountable to public opinion and responsive to changing public views. It was the belief of the committee that the possibilities of increasing continuity of membership and length of terms and, at the same time, providing for frequent elections had not been sufficiently explored by American legislative bodies. The staggering of legislative terms was therefore suggested as one way to reconcile these several desirable objectives.

Although no recommendation was made with respect to specific methods by which new legislators might be assisted in preparing for their responsibilities, the committee directed the attention of legislators to pre-session legislative conferences such as have been held with some regularity in Arkansas, Colorado, Connecticut, Georgia, Massachusetts, and North Carolina. Attention was called to the publication of legislative manuals in 35 states. These booklets describe the organization, rules, procedures, and reference and research aids of legislatures, and they have been found particularly useful in helping new legislators prepare to meet their responsibilities.

4. *Legislative Employees.* Skilled and essential full-time legislative employees should be appointed on the basis of merit and competence. The tenure of key legislative personnel should be unaffected by changes in party control, and as far as circumstances permit, the working conditions of legislative employees generally should not be less advantageous than those of employees in the executive and judicial departments.

Although the committee did not think that employees of the legislature should be appointed on the basis of merit system or civil service rules, it believed that methods should be explored to insure that legislative employees, however appointed, should be honest and competent, and should enjoy reasonable security of tenure. The application of scientific personnel administration with respect to legislative positions was viewed sympathetically, and the committee believed that in so far as possible the compensation and work conditions of employees in the legislative branch should not be less favorable than those obtaining elsewhere in state government. With respect to all questions concerning legislative employees, however, the committee kept in view the need for "closest confidence and coöperation between the legislator and his assistants," and emphasized that "adequate and competent service should be secured by methods which do not unduly restrict the legislator's choice of persons who are to work with him."⁴

5. *Legislative Committees—Organization and Procedure.* Committees should be reduced in number wherever practicable and organized with regard to related subject-matter, equalization of work, and coöperation between legislative houses.

⁴ Council of State Governments, Committee on Legislative Processes and Procedures, *Our State Legislatures; Report of the . . .* (Chicago, 1946), p. 8.

Committee meetings should be scheduled and announced so as to prevent conflicting duties for committee members, and a permanent and public record of committee action should be kept.

In the sixteen years since Winslow's study of state legislative committees,⁵ little progress has been made in reducing the number of committees so as to be commensurate with the time, energy, and information of individual legislators. A survey in 1946 by the Council of State Governments indicated that senate committees averaged slightly over 32 and house committees slightly less than 40. Although numerous inactive committees may not seriously encumber the legislative process, there is general agreement that the committee system in a majority of the states needs consolidation and reorganization.

The Committee on Legislative Processes and Procedures favored the reorganization of a reduced number of committees around topics of major legislative concern, and in so far as practicable, the provision of equivalent house and senate committees. Substantially equivalent committees not necessarily bearing the same title, nor in all cases having identical jurisdiction, will greatly facilitate joint legislative hearings, permit economies in the provision of research facilities, and may simplify relations between the legislature and the governor. Systematic administration of the committee system was urged, with schedules of committee meetings established and published so as to be fully available to committee members and to the public. Moreover, the records of committee action should be permanently preserved, so that the disposition of measures by committees and the vote of each committee member on each bill could be a matter of public record. The Committee on Legislative Processes and Procedures did not believe that committees should be required to report all bills, but it agreed that a record of committee non-action upon bills should be reported to the legislature before the close of each legislative session.

6. *Legislative Committees—Public Hearings.* Provision should be made for public hearings on all major bills, and advance notice of hearings should be published and made readily available, giving time and place of hearing and subject-matter of legislation to be heard, and wherever possible indicating the number and title of bills. Rules of procedure by committees governing hearings should likewise be published and made readily available.

A major aspect of the legislative process is the representation of public views. Public hearings on major legislative proposals strengthen and supplement the representative character of legislative assemblies. Public hearings may have an educational value to legislators and to the public at large. Where hearings are properly announced, conducted impartially,

⁵ C. I. Winslow, "State Legislative Committees; A Study in Procedure," *Johns Hopkins University Studies in Historical and Political Science*, Series XLIX, No. 2 (Baltimore, 1931).

and testimony and findings made widely available, they add greatly to public confidence in the legislative process.

Although hearings on all bills are held in Connecticut, Massachusetts, Nebraska, Wisconsin, and in the Illinois Senate, the Committee on Legislative Processes and Procedures considered that while hearings on all bills might be desirable, the essential requisite was that there be hearings on those measures of major public concern. In some states, hearings on all bills would diffuse the energy and attention of legislators to the detriment of legislation generally.

The importance of records, transcripts, and unpublished testimony to the legislative history of a bill was recognized by the Committee, and it was recommended that on the completion of hearings all committee papers and records be delivered to the legislative reference library for indexing and preservation. The committee urged that "regular records should be kept of all committee meetings . . . should cover time, place, committee members present and absent, the names of all persons appearing at hearings in favor of or against a measure, whom each represents, and a summarized statement as to the disposition of the measure by the committee in executive session."⁶

7. *Legislative Councils and Interim Committees.* Provision for legislative council⁷ or interim committees with adequate clerical and research facilities deserves serious consideration. These services can be provided most readily and effectively through a legislative reference bureau.

Although at least fifteen states have now established legislative councils or comparable agencies, the original legislative-council idea has been modified considerably as it has spread among the states. In the view of the committee, this adaptation of the council idea to the particular needs of the several states has been as desirable as it has been inevitable. States with long-established interim committee traditions may not need the type of council which has been notably successful in Connecticut, Kansas, and Maryland. There is room for further experiment among the states with councils or committees to provide for the establishment of priorities in the legislative program, to give focus and direction to legislative research activities, and to represent the legislature generally during the interim between regular sessions. The committee commended the council "idea" rather than a particular pattern of organization.

8. *Reference, Research, Bill Drafting, and Statutory Revision Services.* Legislative reference, research, bill drafting, and statutory revision services should be reviewed in each state, and strengthened wherever necessary by improved organization and more adequate staffing and appropriations.

Concomitant to the council idea is the provision of adequate fact-finding—research and technical legislative services of which bill-drafting and

⁶ *Our State Legislatures*, p. 10.

statute revision are particularly important. Although the legislative reference bureau actually antedates the legislative council and is considerably more widespread (32 states now have some form of legislative reference service), states have increasingly established or expanded legislative reference services as primary research agencies for legislative councils or advisory committees.

9. *Introduction of Legislation.* Consideration should be given to limiting by rule the period during a legislative session when new bills may be introduced. Provision should be made for the drafting, filing, and printing of bills before the opening of the session. All bills and important amendments introduced during a session should be printed promptly after introduction, and whenever possible they should be inspected before printing by bill drafters or revision clerks.

Publication of manuals covering the form, style, and grammatical construction of bills is suggested.

Pre-session bill-drafting is provided in at least thirty-two states, and pre-session filing is permitted in Massachusetts, New Hampshire, Vermont, and Nebraska, and has been recommended in New York by the Joint Legislative Committee on Legislative Methods, Practices, Procedures, and Expenditures and in Connecticut by the Legislative Council. Coupled with a limitation by rule on the period during which new bills may be introduced into a legislature, these provisions should go far toward regularizing the flow of measures into the legislature, and should reduce the so-called "jam" of legislation at the close of sessions.

The committee believed that the inspection and printing of bills does not receive adequate attention in most states. With respect to the printing of bills and major amendments, the committee concurred in the view of the Connecticut Legislative Council that "there is no other way in which legislature, press, and the public can be guaranteed prompt and easy access to every proposed measure."⁷ In order to encourage better preparation of proposed legislation, the committee suggested the publication of bill-drafting manuals, covering the form, style, and grammatical construction of bills. Arizona, Illinois, Maine, Mississippi, New Jersey, New Mexico, Oregon, Texas, Washington, and Wisconsin have to date prepared or published manuals of this sort.

10. *Legislative Rules.* The rules of legislative houses should be reviewed and revised wherever necessary to expedite legislative procedure, with due regard for adequate deliberation on measures and fairness to minority parties.

Permanent standing committees or a joint committee on legislative organization, rules, and procedure should be established in some form by each legislature.

Recognizing the impracticality of any effort to review the legislative rules of the states generally, the committee urged that the legislative houses of each state regularly reconsider their rules and revise them to

⁷ *Report of the Legislative Council, State of Connecticut*, Nov. 16, 1944, p. 9.

expedite procedure, provide for adequate deliberation, and insure fairness to minority parties.

11. *Legislative Finance.* The legislature should provide for a budget adequate to meet all probable expenditures during a fiscal period. Provision for a fiscal officer responsible for the centralized custody of legislative personnel, payroll, and expenditure records of each house, and the supervision of legislative expenditures, should be considered.

In dealing with problems of legislative finance, the committee drew heavily upon the experience of the New York Joint Legislative Committee which had made similar, but more detailed, recommendations to the New York legislature.⁸ The objective of the committee recommendation was to provide order and accountability for legislative fiscal affairs. How the states could best regularize their legislative fiscal activities was left to them to decide, but with the suggestion that a legislative fiscal officer be designated or appointed. It was believed that existing budgetary and accounting machinery within the executive branch might be utilized for this purpose by the legislatures of some states.

12. *Local and Special Legislation.* Consideration and settlement of claims against the state should be delegated to judicial or to administrative agencies, and general, optional, or home-rule legislation should provide positive substitutes for special legislation affecting cities, counties, and other political subdivisions of the states, particularly in matters of purely local concern.

Although Illinois, Michigan, and New York have established courts of claims, and although in several states certain categories of claims may be settled by the attorney-general or secretary of state, most states continue to burden their legislatures with an excessive amount of private legislation. The committee urged the states to delegate this time-consuming function to designated administrative or judicial agencies capable of rendering decisions on merit and making, within reasonable limits, monetary awards.

With respect to local or special legislation, the committee concurred with the Council committee on state-local relations, which has recommended the adoption of general, optional, or home-rule legislation in place of the large volume of law enacted every session in many states specifying in detailed terms the authority and obligations of local government.

Concluding Observations. Although legislative organization and procedure customarily receive more attention among the states than in the federal government, the recent reorganization of Congress has renewed interest and stimulated action in the legislatures of many of the states, and the recent report by a committee of experienced state legislators and

⁸ *Interim Report of the New York State Joint Legislative Committee on Legislative Methods, Practices, Procedures, and Expenditures.* Legislative Document (1945) No. 35, pp. 83-99.

officials should give added impetus and direction. The states have not been afraid to experiment with the structure and operations of their legislative houses, but the accelerated tempo of contemporary life requires that their legislatures more rapidly than ever reorganize themselves to meet a seemingly ever-increasing volume of problems and responsibilities. Problems of legislative organization and procedure are on the agenda of a majority of the 44 state legislatures meeting in regular session during 1947. The report of the committee of the Council of State Governments should be of constructive assistance in the framing and consideration of measures intended to strengthen all legislatures.

LEGISLATIVE REFERENCE SERVICE FOR THE CONGRESS OF THE UNITED STATES

W. BROOKE GRAVES

*Legislative Reference Service, Library of Congress**

Although the Legislative Reference Service in the Library of Congress has existed for a good many years, it was not until 1946 that increased financial support and increased staff made it possible for "L.R.S." to render the service that friends of the legislative reference idea had long felt that it should. Under Section 203 of the Legislative Reorganization Act, the Service was authorized and directed to appoint senior specialists in various fields "to be available for special work with the appropriate committees of Congress, and upon request to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee." The services of such staff members are available also for members of Congress individually.

Before proceeding further with the discussion of the expansion of the Service made possible by recent legislation, it may be desirable to outline the nature of the existing organization, and to indicate briefly the character of the services which it renders. The Legislative Reference Service as a whole is one of the departments of the Library of Congress. It functions under Dr. Ernest S. Griffith, who has been Director since 1940. For administrative purposes, the work has been divided among six different sections, each of which has its own different and peculiar responsibilities. These are: the Congressional Reading Room, and the Federal Law, State Law, Information, General Research, and Advanced Research Sections.

* Dr. Graves is chief of the State Law Section of the Legislative Reference Service. MAN. ED.

The first of these units requires little comment. The Congressional Reading Room is a large and ornate, but rather attractive, room located at the front on the first floor of the main building of the Library, reserved for the servicing of members of Congress, their families, and members of their office staffs. It contains, in addition to a well selected list of standard reference books, a fairly good working library in the general field of the social sciences.

The Federal Law Section is responsible for the publication of a digest of bills introduced and for the indexing and digesting of the acts passed by the Congress and signed by the President. Like all branches of the Legislative Reference Service, this Section is responsible for the answering of Congressional inquiries. These run the gamut from simple inquiries as to the status of individual bills in the legislative process to extensive investigations in order to analyze or trace the development of some particular type of legislation or some particular principle of law, and at times they include the preparation of briefs on questions of constitutionality—in which pros and cons are both considered. This Section also reports in summarized form all public hearings of Congressional committees.

The State Law Section has long been charged with the preparation and publication of the biennial *State Law Index*. The Section is also responsible for preparing summaries or digests of state laws. For several years, these were published in the same volume with the *Index*, but more recently they have been issued in the form of monthly mimeographed pamphlets. The Section receives an increasing number of inquiries from members of Congress, Congressional committees, executive departments and agencies, and other sources; and while many of these can be answered adequately, after a few moments' work, by a telephone call, a good many require extensive research and investigation. Some of the more significant reports have been published either as House or Senate documents, or in mimeographed form in pamphlets issued from time to time by the Council of State Governments, or by the Library itself.

With the beginning of the legislative sessions in 1947 in forty-four states, the Section undertook to render a new service to federal departments and agencies and to the state governments. Under arrangements entered into with the Council of State Governments, the Section receives, with as much dispatch as possible, copies of all bills introduced and all acts passed in each of the state legislatures. The Section then issues daily checklists of bills received and acts passed and, on a basis as nearly current as possible, summaries or digests of the acts passed. Strange as it may seem, this undertaking brings together in one place, for the first time, all available information with regard to pending state legislation.

The Information Section, formerly called the Reference Files Section, has a five-fold responsibility. First in importance is the maintenance and

servicing of the central reference files of the Service. Reports, periodicals, pamphlets, and all sorts of printed matter pour into this Section, and are searched for material of interest to the research sections. Those items accepted are then classified, clipped, and filed. This is the training ground for new appointees, at the junior-professional level, because here they may acquire, in a short time, a knowledge of the working tools of a specialized research agency. In addition to the files, this Section houses and maintains most of the non-legal indexes of the Service. A recent survey showed that the Service possesses about seventy different indexes. The second function, then, is the use of this material by the Section itself, in the answering of "spot," or short, and relative simple inquiries.

A third function consists of searching for published material which has not been properly designated by the inquirer. Such searches, which are conducted by members of this Section detailed for the purpose, may sometimes run into many hours of seemingly futile endeavor. The Service librarian is responsible for the fourth function—the maintenance of current reference materials for the central book collection. She also acts as liaison officer with other Library departments and divisions. Finally, the Service bibliographer compiles lists of references upon request, and brings to the attention of research specialists new material in the various fields. This person also acts in a liaison capacity with the editors of *Public Affairs Abstracts* and *Public Affairs Bulletins*, in the selection of material for abstracting or for use as source material.

The General Research Section handles the bulk of the ordinary non-legal inquiries received by Legislative Reference. In order to assure a high standard of quality in the reports put out by this Section, two Research Counsels have recently been appointed, one in the field of political science, the other in economics. The first position is filled by Dr. Dorothy Schaffter, the second by Dr. Meyer Jacobstein.

A brief consideration of the Advanced Research Section brings us back to the point from which we started, namely, the expansion of the Legislative Reference Service in connection with and as a part of the program for the reorganization of Congress. Reference has already been made to the authorization of the appointment of senior specialists. The list of such specialists and other new key appointees, at the beginning of the Eightieth Congress, included the following persons:

Bernard Brodie, Senior Specialist in National Defense
John Cobb Cooper, Jr., Air Transport Consultant
Hugh L. Elsbree, Senior Specialist in American Government and Public Administration
Fedele F. Fouri, Senior Specialist in Social Welfare
Ernest McK. Fisher, Housing Consultant
George B. Galloway, Senior Specialist in Legislative Organization and Political Economy

Emanuel A. Goldenweiser, Senior Specialist in Money and Banking
 W. Brooke Graves, Senior Specialist in State Government, and Chief of the State Law Section
 Meyer Jacobstein, Economics Research Counsel
 Theodore J. Kreps, Senior Specialist in Price Economics
 John R. Mahoney, Senior Specialist in Conservation and the Public Domain
 Raymond E. Manning, Senior Specialist in Taxation and Fiscal Policy
 Gustav Peck, Senior Specialist in Labor
 Howard S. Piquet, Senior Specialist in International Trade and Economic Geography
 James P. Radigan, Senior Specialist in American Law, and Chief of the Federal Law Section
 John K. Rose, Analyst (Geographer)
 Dorothy Schaffter, Research Counsel in Political Science and Government
 Francis O. Wilcox, Senior Specialist in International Relations

On the members of this staff, which may be supplemented from time to time by additional appointments as the volume of work in a particular field may require, devolves the responsibility for carrying on (or in some cases supervising) research projects of such a character as to require the attention of subject-matter specialists of the highest professional standing. Upon them also devolves the responsibility for providing information and assistance to Congressional committees in either house concerned with problems lying within their particular field of specialization.

Teachers of political science will be especially interested in the policy that has been followed in recruiting for the expanding staff of the Service. The Director has been anxious, not only to meet the immediate need for research assistance, but to meet it by making initial appointments of such a type as will provide, in the future, support of or justification for the agency's promotion policy. In this connection, a considerable number of recent college graduates have been appointed. All of them were social science majors—many of them political science majors—in their respective institutions. All were graduated with honors or with other academic recognition. A partial list of these appointees, together with the names of the institutions in which they were trained, follows:

Dudley Ball, University of Vermont
 Miss Angeline M. Bogucki, University of Minnesota
 Mrs. Elizabeth M. Boswell, Duke University and New York University
 Miss Jean Cochran, Stanford University
 Miss Jean Crego, Carleton College
 Mrs. Toni E. Cynar, Western Michigan State College
 Charles Gellner, University of Southern California
 Mrs. Mary B. Harrington, State University of Iowa
 Maurice Hellner, University of Southern California
 Miss Helen Livingston, University of California at Los Angeles
 Mrs. Helen G. Lohm, Wilson College
 Miss Maureen McBreen, University of Maryland
 Miss Kathryn S. Mills, Vanderbilt University and American University

Mrs. Anne V. Phillips, Ohio State University
Miss Mary G. Shepard, Shorter College and Baylor University
Miss Margaret L. Stankard, University of Akron
John D. Williams, Stanford University
Miss Ulane Zeeck, West Texas State College

The passage of the La Follette-Monroney Act provides for the Legislative Reference Service a great challenge and a great opportunity. Dr. Luther H. Evans, Librarian of Congress, stated the matter very well on one occasion in these words: "There have," he said, "been many attempts in the past to provide a competent and impartial information service for members of a legislative body, but most of these attempts have, unfortunately, been short-lived. Now for the first time we in the Library of Congress are given the opportunity to demonstrate the possibility of providing such services on a continuing basis to a legislative body which is subject to constant changes in personnel and to frequent changes in party control." Certain it is that the opportunities for professional service of a high caliber on a continuing basis are very great.

But here, as elsewhere, while the opportunities are great, it is also true that they are accompanied by very considerable hazards. The Reorganization Act provides for the more adequate staffing of committees and prohibits the loaning of executive department employees to such committees without specific authorization from the Administrative Committee created by the act. There are many questions which as yet remain unsolved in the working relations between the Legislative Reference Service as a whole, and between the senior specialists in particular, and the staffs of the various Congressional committees. There is no established pattern for such relationships, and it may be a long time before any such pattern will emerge. Perhaps no standardization of such relationships is either possible or desirable.

Membership in the group of senior specialists creates certain problems with regard to personal rights of freedom of speech and of the press. Some types of civic activity are obviously inappropriate for persons so situated; yet restrictions upon personal freedom are likely to prove a bit annoying to individuals, many of whom have long been accustomed to the wide range of freedom commonly enjoyed in academic life. At the same time, the Librarian and the Director of the Service have both taken a straightforward position to the effect that members of the staff should have, and should be permitted to exercise, the utmost freedom to speak and to publish, so long as their activities are not detrimental to the relations between the Library and the Service, on the one hand, and the Congress on the other.

FOREIGN GOVERNMENT AND POLITICS

POST-WAR MUNICIPAL ELECTIONS IN GREAT BRITAIN

WILLIAM A. ROBSON

London, England

The interest and significance of the postwar municipal elections held in Britain can best be appreciated if they are seen against wartime conditions on the one hand and the reconstruction tasks which confront local authorities on the other.

In England, as elsewhere, local government was designed to promote the arts of peace. But for six years during World War II it was asked to shoulder burdens of the most formidable kind directly connected with the war effort. The decision to make local authorities responsible, under the guidance of the Ministry of Home Security and its regional commissioners, for the complex of functions comprised under civil defense was a momentous one. Never before in Britain or any other country had local authorities been asked to undertake a task of such magnitude and importance as that of providing air-raid shelters, wardens and fire-guard posts in almost every street, gas decontamination centers, light and heavy rescue squads, evacuation schemes, emergency feeding and reception centers for those rendered homeless by enemy air attack, furniture stores, rest homes, a first-aid repair service for houses, and various other items of this kind.

The Ministry of Food placed heavy duties on both local-government officers and councilors in connection with food control and rationing; and local authorities provided cheap restaurants and canteens on a large scale. The Ministry of Fuel and Power drew largely on the resources of municipal administration in appointing local fuel overseers and their staffs for regulating the distribution and consumption of solid and liquid fuel.

The evacuation schemes organized by local authorities in conjunction with the Ministries of Health and Education led to the transfer of millions of mothers and children, the aged, and the sick, from the more vulnerable areas to places of greater safety. The dispersal of munitions workers to the ordnance and aircraft factories located in areas remote from the great urban centers had a similar effect in breaking up established communities, distorting the relationship between demand and resources, and upsetting the entire pattern of municipal services.

Difficult Times. The problem confronting local authorities during these momentous years was not merely that of maintaining normal services under abnormal conditions. They had also to provide abnormal services of an entirely novel kind under conditions of enemy air attack, when death and disaster rained down from the skies. What was at stake, time and

again, was nothing less than the morale of the civil population on which the issue of the war ultimately depended.

On the whole, the local authorities did remarkably well and fully justified the basic policy of entrusting them with the carrying out of Civil Defense Services. Inevitably there were weak areas and occasional incompetence or corruption; but, broadly speaking, the local authorities and their officers emerged with credit from the ordeal. The only service that had to be transferred temporarily to national control was the fire brigades; and this was done in order to achieve rapidly the uniformity of training and organization, the standardization of equipment, and the unity of command and operation, necessary to enable fire-fighting units to coöperate to the fullest possible extent, and thus be fully available to meet concentrated bombing attacks on widely dispersed targets.

Municipal elections would have been both impractical and inappropriate under such conditions. The people were united locally, no less than nationally, in an inflexible determination to pursue the war to a successful conclusion. They were in no mood to indulge in domestic strife and mutual recrimination on local questions. The outbreak of World War II led to the suspension of electoral conflict between the parties in the government.

An act suspending local elections was passed in October, 1939, and a parliamentary general election was postponed and by-elections were conceded to the nominee of the party to which the former member belonged, though these nominees were challenged frequently by independent candidates or members of the Common Wealth party. Evacuation, absence on military service, and the dispersal of munition workers had rendered the electoral lists hopelessly obsolete.

Municipal elections were therefore suspended during the war for reasons generally accepted at the time. The sitting members of local authorities were continued in office, and casual vacancies caused by death or resignation were filled by co-option. The normal tenure of a councilor is three years. In boroughs, the principle of partial renewal applies, and one-third of the councilors retire each year. This involves an annual election of a similar number of councilors. In the metropolitan boroughs which form the lower tier of authorities in the administrative county of London, and also in the counties and parishes, the system of "rotating thirds" does not apply and the entire council is renewed every third year.

The position in 1945 before the first postwar municipal elections was that, in consequence of suspended elections, the membership of town councils outside the London area consisted of councilors elected in 1936, 1937, and 1938, together with those who had been co-opted in the intervening years. Even this statement does not fully depict the extent to which the local authorities had ceased to represent the vital trend of political opinion, for it takes no account of the aldermen.

The aldermanic element, amounting to a quarter of the whole council (a seventh in the metropolitan boroughs) is elected by the councilors from among their own number or from persons eligible to be councilors. They sit for six years—twice as long as a councilor—and half of them retire every third year. These aldermen participate in the work of the council in exactly the same way as the councilors. They enjoy considerable prestige and often do valuable work, but the method of indirect election clearly makes them less responsive to public opinion and is not in accord with modern democratic ideas. In theory, they provide a means of bringing to the council chamber men and women of exceptional qualifications or merit who are unable or unwilling to secure election. The increase of party organization in local government has led to aldermanic appointments being controlled more and more on strict party lines by the majority group in power. Sometimes candidates who are defeated at the polls are appointed aldermen. Frequently the older members of the council, who ought to retire from public life, are retained for a further six years by being similarly appointed.

Fresh elections were badly needed and long overdue at the end of the war. Those held in November, 1945, related only to the county, non-county, and metropolitan boroughs. Those for the remaining types of local authorities (county councils, district councils, and parish councils) took place in the spring, and the recent elections (last November) concerned the resigning third of the municipal boroughs.

Universal Adult Suffrage. In November, 1945, for the first time, municipal elections were held on the basis of universal adult suffrage. Hitherto, the local-government vote had been confined to persons occupying land or premises as owner or tenant, and their husbands or wives residing with them in those premises. This excluded men and women living in furnished rooms, flats, hotels, or boarding houses. Following the report of an all-party conference convened by the Speaker of the House of Commons, the Representation of the People Act, 1945, was passed, which assimilated the local government vote to the parliamentary franchise. This added seven million voters to the local-government electoral roll—a step, as Mr. Herbert Morrison pointed out when he introduced the bill as Home Secretary in the House of Commons, which was “the culminating point in the series of electoral reforms which began with the great Reform Act, 1832.”

Only a proportion of each provincial council was renewed, consisting of those councilors who were elected in 1936, together with all the co-optees appointed during the war. It was estimated by Mr. Morrison that about half the councilors would retire under these arrangements. In the metropolitan boroughs, all the councilors retired. One-half of the aldermen retired in all boroughs.

Coming so soon after the general election, the municipal contests of

November, 1945, inevitably raised the question whether the spectacular swing to the left which occurred in the parliamentary representation was a mere flash in the pan or the result of a deep-seated change in the convictions of the people. Although adequate information concerning the results is not available, owing to the fact that official statistics of local-government elections are unfortunately not published, the broad outcome was a substantial gain for Labor, thus confirming the verdict of public opinion at the general election.

There were 8,806 vacant seats in England, Scotland, and Wales in November, 1945, of which only 2,509 had previously been held by Labor councilors. Labor put into the field 7,815 candidates, of whom 1,187 were women. Some 5,155 Labor candidates contested seats which had formerly been held by councilors of Conservative, Liberal, or Independent views. More than 5,000 Labor candidates sought election for the first time.

In giving the results, we may take first the county boroughs, which comprise the 83 largest and most important cities. Before November, 1945, only the following 15 county borough councils had Labor majorities:

COUNTY BOROUGHES

Labor Councils Prior to Elections of 1945

Barnsley	Merthyr Tydfil	South Shields
Barrow-in-Furness	Norwich	Swansea
Coventry	Rotherham	West Ham
Derby	St. Helens	West Hartlepool
East Ham	Sheffield	Wigan

Of these, West Hartlepool and South Shields were lost to Labor in November, 1945 (South Shields was regained in November, 1946).

Labor Gains in November, 1945, and During 1946

Blackburn	Leicester	Salford
Bradford	Lincoln	Smethwick
Bristol	Manchester†	Southampton
Burnley	Middlesborough	Stoke-on-Trent
Dewsbury†	Newcastle-on-Tyne	Sunderland
Doncaster	Newport	Wakefield
Dudley	Northampton	Walsall†
Gateshead	Nottingham	Warrington
Grimsby†	Oldham	West Bromwich
Hull	Preston	Wolverhampton
Ipswich	Reading	York
Leeds		

† Denotes Labor gains owing to changes in personnel after the elections (due either to aldermanic appointments or to by-elections caused by death or resignation).

Labor Gains After the Elections of November, 1946

Birmingham
Bolton
Bury

Plymouth
South Shields

After the elections of 1945, Labor was in control of 43 out of 83 county boroughs. In certain towns, it is impossible to define the position more clearly than by saying that Labor is or is not in control, owing to the uncertain influence of Independent councilors. Sometimes Independent councilors are pure Conservatives or Liberals operating under a non-committal name. Elsewhere they may be truly independent and will hold the balance between the other parties, supporting or defeating measures as they think fit. In general, however, Independent members are not sympathetic to Labor.

During the course of 1946, owing to resignation and other changes in personnel, Labor gained control of an additional four county boroughs. These were: Manchester (England's third largest industrial city outside of the metropolis), Grimsby, Dewsbury, and Walsall. After the recent elections of November, 1946, majorities in another five county boroughs were gained by Labor: Birmingham (the largest city in the country after the capital), Bolton, Bury, Plymouth, and South Shields.

Labor now controls 52 out of the 83 county boroughs. In addition, in a number of other important centers, including Cardiff, Croydon, Exeter, Gloucester, Halifax, and West Hartlepool, it is the biggest single party, although it does not command a majority.

We may now take the non-county boroughs. There are 309 of these, ranging from small historic towns such as Honiton in Devonshire, or Tewkesbury in Somerset, to important ports such as Dover and Chatham or engineering centers like Swindon and Loughborough.

Before the election in 1945, non-county boroughs were predominantly Conservative or non-party. Only 23 of them had Labor majorities, and in general Labor was heavily under-represented on their councils. The elections in that year turned the scale in favor of Labor control in a further 47 boroughs, giving a total of 70.

NON-COUNTY BOROUGHES

Labor Councils Prior to Elections of 1945

Barking	Jarrow	Southall
Blyth	Leigh	Swinton and Pendlebury
Crewe	Leyton	Thornaby-on-Tees
Dagenham	Mansfield	Tottenham
Eastleigh	Neath	Walthamstow
Edmonton	Nelson	Willesden
Erith	Pontefract	Workington
Ilkeston	Port Talbot	

Labor Gains in November, 1945, and During 1946

Accrington	Farnworth	Rochester
Acton	Gillingham	Rowley Regis
Ashton-under-Lyne	Gravesend	Rugby
Banbury†	Hartlepool	Scunthorpe
Barry	Heston & Isleworth	Stalybridge†
Batley	Ilford	Stockton-on-Tees
Bexley	Kettering	Stourbridge†
Bilston	Kidderminster	Swindon
Brentford & Chiswick	King's Lynn	Tipton
Chatham	Llanelly	Wallsend
Chelmsford†	Loughborough	Wednesbury
Colchester	Luton	Wembley
Congleton	Mitcham	Whitehaven
Dartford	Morley	Windsor
Dartmouth	Nuneaton	Wood Green
Dover	Queenborough	Workshop
Eccles	Rawtenstall	

† Denotes Labor gains owing to changes in personnel after the elections (due to aldermanic appointments or to by-elections caused by death or resignation).

Election of November, 1946

<i>Labor Gains</i>	<i>Labor Losses</i>
Chesterfield	Chelmsford
Colne	Gravesend
Newcastle-under-Lyne	Llanelly
Oldbury	Rawtonstall
Peterborough	Windsor
Stafford	

During the course of 1946, owing to local changes in personnel, Labor gained control of another three boroughs: Banbury, Chelmsford, and Stourbridge. As a result of the November, 1946, elections, Labor obtained a majority in an additional six boroughs: Chesterfield, Colne, Newcastle-under-Lyne, Oldham, Peterborough, and Stafford. It lost control, however, of five boroughs: Chelmsford (which had a very narrow Labor majority), Gravesend, Llanelly, Rawtenstall, and Windsor.

Despite an increase of over 200 per cent in the number of councils under Labor control, nearly three-quarters of this important group of local authorities are dominated by Conservative, Liberal, or Independent councilors. But Labor increased its strength in a large number of boroughs, and in at least 30 of them secured a foothold on the council for the first time. Margate, for example, now has 11 Labor councilors where previously there were none. Two cathedral towns, Lichfield and Wells, now have Labor representation for the first time.

All told, during the recent elections Labor gained 378 seats in non-

county boroughs and lost 182, giving a net gain of 196. Compared with the Conservative net gain of four seats, this shows a consolidation of the Labor position.

"Rotating Thirds." The system of "rotating thirds" precludes any change in political control in the early stages of a party's representation on a local authority. It is when the strength of the opposing parties or groups is more evenly matched that a relatively small shift of representation may easily serve to transfer power from one side to the other. The local Labor groups have in a majority of boroughs not yet arrived at this stage. Hence, electoral success in the earlier phase does not show itself in terms of party victories. But at Banbury, Clitheroe, and Kingston-on-Thames, Labor holds exactly half the seats on the council, and it is in an almost similar position at several other towns.

In London, the metropolitan borough councils were reelected in November, 1945. Prior to the election, 17 out of the 28 metropolitan boroughs had Labor majorities. These retained their majorities, and a further six boroughs swung over from Conservative (Municipal Reform) control, leaving only five Conservative councils.

METROPOLITAN BOROUGHES

Labor Councils Prior to the Elections of November, 1945

Battersea	Fulham	Poplar
Bermondsey	Greenwich	Shoreditch
Bethnal Green	Hackney	Southwark
Camberwell	Hammersmith	Stepney
Deptford	Islington	Woolwich
Finsbury	Lambeth	

Labor Gains in 1945

Holborn	Paddington	Stoke Newington
Lewisham	St. Pancras	Wandsworth

Even in the five Conservative strongholds, there has been an increase in Labor representation with the sole exception of St. Marylebone, where the composition of the council remained unchanged in terms of party strength. Labor gained five seats in Westminster, nine in Chelsea, eight in Hampstead, and six in Kensington—all traditional homes of Conservatism. Taking all of the metropolitan boroughs together, Labor gained 279 seats and lost 18. It won 1,038 out of 1,377 vacant seats and secured 151 out of 223 aldermanic appointments. The Conservatives lost 282 seats and gained three. They secured only 321 seats, compared with a previous total of 600.

The county council is one of the most important units in local govern-

ment. In recent years there has been a tendency to transfer an increasing number of services to the county councils as well as to the county boroughs. The first postwar elections were held in March, 1946.

The London County Council has had a Labor majority since 1934. In 1937, this majority was increased, and in 1946 a record was achieved by a further increase in the Labor seats. This is the first time in the history of the London County Council that the political party in control has increased its majority in two successive elections.

Outside of London, there are 61 county councils. Before the election in 1946, Labor controlled only three of these—Durham, Glamorgan, and Monmouth. The 1946 elections resulted in a Labor majority in an additional six: Derbyshire, Essex, Middlesex, Northumberland, Nottinghamshire, and Yorkshire.

The first postwar urban and rural elections were held in April, 1946. There are 572 urban district councils and 475 rural district councils. Detailed information about the urban and rural elections is incomplete, as returns are not sent in by all the districts. Before the elections in 1946, there were known to be 76 urban district councils with a Labor majority, out of the total of 572.

The results of the 1946 elections (as far as they can be learned from 370 returns out of the 572 districts) show that Labor gained control in an additional 56 urban districts, making a total now of at least 135 councils with a Labor majority.

With regard to the rural district councils, even less detailed information is available. Before the election in 1946, Labor was known to have a majority in only 16. Information on the results of the 1946 election is based on detailed results from only 15 per cent of these rural districts. Of this small percentage, it is known that Labor gained control in an additional five rural councils.

In Scotland, the organization of local government is somewhat different from the English system and the names of local authorities vary. A division between large and small burghs will sufficiently indicate the broad line of demarcation.

LARGE SCOTTISH BURGHS

Labor Councils Prior to the Elections of November, 1945

Clydebank	Motherwell & Wishaw	Rutherglen
Glasgow	Port Glasgow	

Labor Gained in 1945

Aberdeen	Dumbarton	Greenock
Airdrie	Dundee	Kilmarnock
Coatbridge	Dunfermline	Paisley

Election in November, 1946

Labor Gain: Hamilton.

SMALL SCOTTISH BURGHS

Labor Councils Prior to the Elections of November, 1945

Armadaile	Galston	Tranent
Cumnock	Musselburgh	Whitburn
Cowdenbeath	Prestonpans	
Dalkeith	Queensferry South	

Labor Gains in 1945

Bathgate	Fraserburgh	Kilwinning
Buckhaven & Methil	Inverkeithing	Lochgelly
Darvel	Johnstone	Saltcoats
Denny & Dunipace	Kilsyth	Sanquhar

*Election in November, 1946**Labor Gains*

Bonnyrigg and Lasswade
 Cockenzie and Port Seton
 Fort William
 Irvine
 Loanhead

Labor Losses

Musselburgh

From the above list it will be seen that prior to the elections of November, 1945, Labor controlled 15 of the Scottish burghs. After the contest in 1946, at least 41 burgh councils had chosen Labor majorities. In Edinburgh, the Labor group increased its membership from 19 to 27 out of a total council of 69. In numerous small burghs, Labor obtained representation on the council for the first time.

So much for the bare results. They are admittedly unsatisfactory in that they do not provide quantitative information concerning the pre-election and post-election political composition of the authorities. Nor is it certain that they are comprehensive in regard to the non-county boroughs or small burghs. But in general they give a broad indication of the sweeping Labor victories, which largely increased the party membership on councils of all types and which served either to strengthen the Labor group or to give it a majority at the town-hall. The general consistency of the shift in power is remarkable. There are scarcely any compensating Conservative, Liberal or Independent gains.

The relatively low polls at municipal elections is a constant cause of concern to those who care for local government. The following table gives the percentages of voters who exercised their right in November, 1945, to vote in a selected list of typical county and non-county boroughs.

<i>County Boroughs</i>			
Barnsley.....	74.1	Bath.....	46.79
Merthyr Tydfil.....	62.28	Dudley.....	46.47
Wakefield.....	56.4	Bootle.....	45.99
Oldham.....	52.74	Coventry.....	44.36
Halifax.....	51.69	Portsmouth.....	43.41
Gloucester.....	51.25	Leeds.....	43.07
Middlesbrough.....	49.75	Newcastle-on-Tyne.....	41.62
West Hartlepool.....	49.75	Brighton.....	36.36
Eastbourne.....	48.84	West Ham.....	28.51
Bradford.....	47.82		
<i>Non-County Boroughs</i>			
Clitheroe (Lancaster.).....	74.35	Newark (Nottingham).....	48.76
Glastonbury (Somerset).....	72.07	Loughborough (Leicester).....	48.62
Honiton (Devon).....	69.13	Poole (Dorset).....	47.99
Morpeth.....	67.93	Keighley (Yorkshire).....	47.92
Ossett (Yorkshire).....	66.63	Heston & Isleworth.....	45.98
Dukenfield (Cheshire).....	65.64	Brentford & Chiswick.....	45.79
Pudsey (Yorkshire).....	65.29	Bury St. Edmunds (Suffolk)...	45.1
Macclesfield.....	64.17	Chingford.....	43.79
Tenby (Pembroke).....	63.69	Barking (Essex).....	42.69
Conway (Caernarvon).....	63.59	Reigate (Surrey).....	42.67
Tenterden.....	62.66	Beverley (Yorkshire).....	42.63
Thornaby-on-Tees (Yorkshire)...	62.00	Clenttenham (Gloucester).....	42.06
Wareham (Dorset).....	60.91	St. Albans.....	42.02
Wells.....	60.23	Folkestone (Kent).....	41.66
Hartlepool (Durham).....	59.72	Weston-super-Mare (Somerset)...	41.63
Liskeard (Cornwall).....	58.48	Gasport (Southampton).....	38.81
Tewkesbury.....	57.73	Romford.....	38.66
Sale.....	55.82	Worthing (Sussex).....	38.6
Stratford-upon-Avon.....	55.61	Ilford.....	38.4
Eccles (Lancaster).....	55.31	Finchley (Middlesex).....	36.75
Blyth (Northumberland).....	55.14	Newbury (Berks).....	36.54
Swinton & Pendlebury.....	54.78	Hemel Hempstead (Herts).....	36.3
Winchester.....	54.54	Slough (Bucks).....	36.26
Stockton-on-Tees (Durham)...	54.51	Hove (Sussex).....	35.81
Lewes.....	52.47	Walthamstow (Essex).....	31.81
Windsor.....	51.46	Dagenham.....	22.62
Yeovil.....	50.71		

Municipal elections are usually fought to a considerable extent on local issues. The permeation of local government by the national political parties has not changed the essential interest of the local community in its own affairs; but local questions, such as the extension of this service or the development of that institution, and the ever-troublesome problem of local taxation, tend to be expressed nowadays in terms of the general principles or policies of the parties.

The fundamental question which lay beneath the local issues at the November, 1946, elections was the pattern of reconstruction for Britain.

Agreement had been reached between the parties to the Coalition on educational progress, and the Education Act, 1944, marks a substantial advance. The Beveridge report on social security had been bogged down in party conflict for two years until a compromise at last emerged. In the spheres of housing, town and country planning, public medical services, electricity distribution—all in large measure subjects of local government—the divergence of views between the Conservative and Labor elements, in Parliament and the cabinet, was so wide that it became impossible to arrive at generally acceptable policies. The Coalition Government came near a deadlock on these matters.

The conflict of views between the parties on the social and economic aspects of reconstruction was resolved at the general election by an overwhelming verdict in favor of the more radical and socialistic solutions favored by the Labor party. The nation made it abundantly clear that it wanted a planned Britain.

It was by no means a foregone conclusion that the results of the municipal elections would follow the same trend as that of the parliamentary election. Modern English history provides plenty of examples where local elections have produced diametrically opposed results from those occurring in the preceding parliamentary elections. But on this occasion the voters, both service and civilian, appear definitely to have made up their minds what they wanted.

Series of Relations. There are great advantages to be derived from a similarity of political outlook between the central government and the local authorities. The relations between central and local government have drawn so close that the relationship may be described as a partnership. Strictly speaking, there is not a single relationship covering all functions, but a series of relations applicable to the several services. In this, as in many other spheres of public life, the emerging needs of the moment, rather than any cut-and-dried plan based on abstract principle, have been the guides to action. Hence, as each service developed in turn, new arrangements were devised to enable the central government department concerned to encourage, assist, inspect, audit, criticize, stimulate, supervise, and sometimes control the activities of local authorities.

It would take me far beyond the limits of this article to describe the complex relations existing between the Ministry of Education and the local education authorities; between the Ministry of Transport and the local highway authorities; between the Ministry of Town and Country Planning and the local planning authorities; between the Ministry of Health and the local health and housing authorities; or between the Home Office and the local police authorities. There are many strands in the thread, ranging from grants-in-aid to the approval of administrative proposals, from detailed inspection to the rendering of statistics and accounts,

from the making of regulations to the holding of local inquiries, from giving consent to raising loans to prescribing qualifications and terms of employment for professional municipal officers; from consent to fees and charges to the approval of plans and development schemes. The sturdy independence and freedom of local authorities to administer their areas is an indubitable fact; but so, too, is the influence, power, and brooding watchfulness of the central government departments.

In education, public health, housing, town and country planning, and highways, the interrelationship of central and local authorities is particularly marked. It would be highly misleading to suggest that a Conservative Minister of Health would necessarily be at loggerheads with towns ruled by Labor councils; or that a Socialist Minister of Education would come into conflict with Conservative local authorities. The system does not work like that at all. If it did, it would soon break down, since at any given moment a large proportion of local authorities are always controlled by councils whose political complexion differs from that of the Government of the day.

Nevertheless, the best results are obtainable when the political outlook of the local authority is in harmony with that of the central government. This is particularly true when a vast program of planning, development, and reconstruction, such as that which now confronts Britain, is under way. Hence, to put the matter at its lowest, the Labor victories at the November elections will lend increased coherence to both central and local administration. The disadvantages of conflicting objectives among the various organs of government are well known to every American student.

Too much emphasis should not, however, be laid on the importance of party politics in the day-to-day work of local government. What has here been said about the intensification of party organization and party conflict in the electoral process and the emergence of party majorities on the local councils should not lead us to overlook or to underestimate the high degree of coöperation for common purposes between councilors and aldermen of all parties or of none.

An outstanding feature of the British scheme of local self-government is the committee system. The main work of a local authority is conducted through a series of committees dealing with health, education, mental deficiency, highways, parks and playgrounds, public assistance, finance, public libraries, art galleries and museums, town and country planning, housing, the police, main drainage, water supply, and many other services. These standing committees are composed of members of the council with a sprinkling of co-opted persons from outside. It is in committee that the main policies are evolved, plans sifted, new developments determined—subject always to approval, revision, or rejection by the council as a whole. The scope and volume of business is so large that the council is tending to

become a report-receiving body, concerning itself with the larger problems of over-all direction, policy, and coördination.

Each committee contains members of all the parties on the council; usually in proportion to their respective strength. Every councilor and alderman is a member of several committees and sub-committees. Hence every councilor participates in the actual work of policy-making and executive decision, though the actual administrative and technical implementation is carried out by the paid officials.

This opportunity for participation provides the councilor with an excellent civic experience. It educates him in the actual working of democratic institutions. At the same time, it spreads the responsibility for what is done over all members of the local authority. It is mainly on the larger questions of general policy and expenditure that political differences manifest themselves. In the normal work of committees, members of opposing parties are accustomed to coöperate for agreed purposes to a quite surprising extent. This is due in part to local pride and local patriotism; in part to a realization that the committee system could not work if political differences were allowed to obtrude themselves at every stage. In the council chamber and in the committee-room, men and women of diverse backgrounds and opposing political convictions have learned to work together in a spirit of tolerance and with an underlying unity.

DEMOCRACY AND SOCIALISM IN NEW ZEALAND

LESLIE LIPSON

Swarthmore College

The swing to the left, discernible at present in many countries, has given a new urgency to the old problem of hyphenating the politics of democracy to the economics of socialism. What was in the past mainly a matter of theoretical discussion and parliamentary rhetoric has shifted to the stage of legislative enactment and executive application. It is worth while, therefore, to pay attention to some of the world's smaller states whose experiments over a number of decades are pointers along the path now trodden by larger nations like Britain. One of these smaller communities which has persistently moved in a socialist direction by piecemeal and peaceable methods is New Zealand.

The history of New Zealand as a state organized along Western European lines can count but a little over a hundred years. Just because of its youth, however, this nineteenth-century colony and twentieth-century Dominion has provided from its birth a fertile field for governmental activity. The discovery of New Zealand by Tasman and Cook, and to a large extent the early colonization and settlement by white immigrants,

were due to public enterprise. The extension of state functions was facilitated from the beginning by the vesting of large tracts of land in the Crown, and was necessitated by the inadequacy of available private capital.

The tendency to amplify the powers of government, though continually operating, has been most marked in three well-defined periods. The first lasted from the middle of the sixties to the middle seventies. In that decade, the telegraph and railroads were inaugurated as public monopolies; the construction of main highways, bridges, and similar works became the responsibility of a state department; the government entered business in competition with private firms by setting up a public trust office and a life insurance agency; and to remove checks upon its power, Parliament abolished the then quasi-federal system and concentrated authority at the center. The second dynamic expansion occurred in the nineties as a political reaction to the serious depression of the eighties. The Liberal-Labor party, which constituted the government continuously from 1891 to 1912, established machinery for conciliation and compulsory arbitration in labor disputes. They attacked the large landowners with steeply graduated taxation and forced them to sell some of their holdings, which were then subdivided by the state into small farms. They extended, through increased central expenditure, such vital social services as public hospitals and schools. They introduced on a non-contributory basis first old-age pensions and later widows' pensions. They purchased some mines and began the retail selling of coal, and opened a state office for the sale of fire insurance. What is more, in the teeth of conservative obstruction they weakened the powers of the Legislative Council, Parliament's upper house, by altering the tenure of its members from life to seven years.

The cumulative result of these pre-1914 developments, together with the subsequent additions during the first World War, the twenties, and the depression, is eloquently told in the official figures of the census and departmental reports of the year 1936. At that date, when the Labor Ministry had been in office for only a few months, of all the wage-earners in the Dominion, the percentage who were paid out of public funds by the central and local governments amounted, respectively, to 11.6 and 9.2. In all, therefore, over one-fifth of the working population were public employees—assuredly a high proportion.

The third spectacular phase of governmental expansionism has lasted for the entire decade since 1936. Its political momentum originated in the leftward popular reaction after five years of economic depression and has latterly been intensified by the urgencies of total war and reconstruction for peace. The Labor party, politically dominant throughout these years, is dedicated to the ultimate objective of socialism. As a means to this end, it favors the extension of state power into any field affected with a public

interest. Nor is there any major constitutional obstacle in the way of a determined legislative majority. Until World War II intervened in the unfolding of its domestic program, the Labor Ministry had already initiated a new catalogue of public enterprises amplifying many earlier-established state activities and inaugurating some experiments as yet untried. These may be conveniently sorted out into three types: instances of state ownership and operation, regulation of private undertakings, and extensions of social services.

One of the first of Labor's policies was to take over the Reserve Bank, which had been constituted in the depression on the basis of privately held share capital. Headed by a board of directors appointed by the government, and subject in general to the monetary policy of the minister of finance, this Bank now includes among its duties the issue of currency and loans, the control of credit, and the purchase and sale of coin, bullion, and government securities. Radio broadcasting, formerly vested in an independent board, became the function of an ordinary state department immediately supervised by a member of the cabinet. Into this undertaking, however, the government itself injected a modicum of competition. Alongside of the dignified and high-minded National Broadcasting Service, financed through the licenses of the owners of receiving-sets, there was subsequently organized under the same minister the parallel network of a Commercial Service, financed through advertising and purveying lower-brow entertainment. Labor, moreover, embarked on the novel experiment of broadcasting all the proceedings of the House of Representatives, a practice which, except for a few wartime secret sessions, has been maintained continuously since 1936. The marketing of specified primary products became an additional responsibility of the state. As part of its policy of guaranteeing prices to the farmer, Labor set up a department to market inside New Zealand such foodstuffs as butter, cheese, eggs, honey, and fruit, and to dispose of the exports of dairy produce overseas (principally in Britain). Over and above this list of undertakings, all of them operated as state monopolies, the government further launched an ambitious housing program, though without supplanting private building. Using credit advanced by the Reserve Bank, and letting contracts to private firms, the state has erected and continues to own a large number of houses and flats, which are let to tenants.

The approach to a planned economy was also quickened by extensions of governmental regulation in the sphere left to private enterprise. The compulsory arbitration of labor disputes and the fixing of wage scales by award of an arbitration court are practices which antedated Labor's advent to office. But to these the Labor party, being closely associated with the trade unions and their Federation of Labor, added the new principle of compulsory unionism. Earlier ministries had provided by law for speci-

fied industries and services to be conducted only under government license. But Labor, keen to develop the Dominion's secondary industries, widened the scope of the law and the coverage of licensed undertakings. What is more, when New Zealand's holdings of overseas funds (especially sterling) were dangerously reduced early in 1939—partly because of considerable state purchasing of machinery for public works and partly through the flight of private capital—exchange control was imposed and simultaneously all imports were subjected to governmental licensing and permit.

Likewise in the domain of social services Labor's record has consisted in broadening previous schemes and adding new ones of its own. Education, which suffered in the depression years from the niggardliness of an economy-minded ministry, received welcome (though still not yet fully adequate) increments in its grants from the exchequer. The school age was extended downwards and upwards, milk was given to the children daily, some new school and university buildings were erected, teachers were paid better salaries, and extra professorial chairs were established in the university. Equally ambitious was the enactment in 1938 of the Social Security Act from which Sir William Beveridge later incorporated certain features into his noteworthy plan for Britain. This act consolidated various piecemeal measures of public assistance introduced in the four preceding decades. Setting out to accomplish a full program of social security from birth to death, it added new classes of benefits, not previously granted, liberalized the qualifying requirements for those benefits that were still subject to means test, and increased the amounts paid out to individual recipients. The act provided also for an old-age pension, starting at sixty, and benefits for unemployment, sickness, orphans, invalidity, widows, and children, all of these being subject to a means test. Benefits not so subject were a universal superannuation, available at sixty-five, as well as medical services for maternity, for treatment in public hospitals, and for visits to or by general practitioners.

Apart from exchange control, import licensing, and the medical benefits for general practitioners' services, all of the measures outlined were brought into being before the election of 1938. When Labor gained its first majority in 1935, the public verdict then represented more a rejection of the preceding right-wing government than an affirmative vote for Labor. But the polling in 1938, which reached the proportions of a landslide for the left, can fairly be called as positive an endorsement of Labor's program as was President Roosevelt's reelection in 1936 an endorsement of his New Deal. The eruption of war, in which New Zealand was the first of the British Dominions to join with the mother-country's declaration, slowed down the rate of expansion of social services, housing, and the like, but at the same time speeded up the drive towards a planned economy. In

the process of total mobilization, and in the face of the perils of 1942, the government tightened its hold over agriculture, industry, commerce, and manpower. Except for an ill-consorted and short-lived coalition, the Ministry continued to be of one party. Some of the measures which the Government sought to justify as indispensable wartime expedients, e.g., state management of the coal-mines, were criticized by the Opposition as unwanted advances towards the goal of peacetime socialism. At any rate, when a general election was held in 1943, the Labor party, though weakened by a split on its left and bearing the odium of wartime stringencies, retained its electoral and parliamentary majority. But the voting clearly indicated an ebb from the high-water mark of 1938. The hostility of the rural districts, where Labor had earlier gained nearly half of the votes cast, was now strongly emphasized, and the pro-government majority among civilians in New Zealand was far less decisive than that recorded by servicemen and -women in the forces. Only in the four main cities of the Dominion did the Government continue to predominate.

At the new Parliament's first session in 1944, Labor for the first time was on the defensive and ill at ease. The National party, forming the Opposition, was strengthened in both quantity and quality, and its debating skill began to harass a ministry wherein only three or four members really shone. But the tables were dramatically turned in the session of 1945. The Government had evidently realized that it must recapture the initiative, and recapture it it did. Its program, announced at the opening of Parliament, promised to be full and contentious; and when the war abruptly ended in the Pacific, yet more grist was rapidly flung into the legislative mill. Preparation for reconstruction and for the coming election was the keynote of a session which ranks among the most productive in New Zealand's history.

Of the public acts passed in 1945, there are four which represent significant new instances of state ownership. Having advocated at the Chicago Conference on Civil Aviation in 1944 that there should be international ownership and operation of airways, the government proceeded to nationalize the civilian airways within the Dominion. It has established a New Zealand National Airways Corporation with a board of five members appointed by the Minister of Air and in its general policy subject to his direction. This Corporation, whose capital is provided by the state, has the power to acquire compulsorily the existing aeroplanes and equipment owned by the private company hitherto operating. Henceforth it is to conduct the business of civilian air transport. A roughly analogous organization was set up to manage the linen-flax industry. The growing and processing of linen-flax was instituted by the state during the war, fiber being needed by Britain particularly for the manufacture of parachutes. The Corporation has power to grow and harvest the flax, or

arrange for it to be grown, to purchase crops, and to establish and operate factories for processing them. The state finances the Corporation, whose surplus profits, like those of the Airways Corporation, are paid to the public account. The directing board of eight members, however, is differently constituted. Although the Minister of Industries and Commerce controls the general policy, the government has a free hand in choosing two of the directors. The other six must represent various associated interests—two for the linen-flax growers, two for the manufacturers who use the processed fiber, and two for the Corporation's employees. The third case of nationalization was more contentious and more vigorously challenged than either of the former. The Dominion's largest trading bank—the Bank of New Zealand—does about half of the banking business of the country. Earlier legislation, placed on the statute-book by non-Labor ministries, had already obtained for the state one-third of its capital and four of its six directors. Under pressure from the left wing of the party, the Labor government has converted the bank into a purely state enterprise. Compulsorily, but on fair terms, it has acquired the privately held shares and now appoints all of the directors, who must conform to the policy of the Minister of Finance. No disagreement, however, was aroused by a bill to vest in the state a stringent jurisdiction over uranium and the production of atomic energy. All uranium in its natural state—there is little of it in New Zealand—is now the property of the Crown. The minister of mines has power to extract it and to control anyone else who wishes to do so. Experimental work on radio-active substances in the University and elsewhere may be conducted only under specified conditions.

Further governmental regulation of private enterprise appeared on the statute-book in the guise of two brief, yet important, enactments. One was a minimum wage law, setting out prescribed rates to be paid to adult workers over twenty-one. This act overrides existing awards by the Arbitration Court, which has in the past laid down minimum rates for certain classes of workers. The only exceptions for which the new act allows are apprentices and others employed under contract of service for training and instruction. While benign in purpose, the law retains a serious blot which consistently disfigures New Zealand's economic structure. It specifies widely divergent minima for men and women, assigning to the fair sex three-fifths the market value of the unfair. The other piece of legislation, belonging to the same category, was an Employment Act designed, as the preamble says, "to establish a National Employment Service for the purpose of promoting and maintaining full employment." The law establishes a new department under a minister of employment, empowering it to collect information and make statistical surveys of labor trends, to assist workers in finding jobs and employers in finding workers, to operate

hostels, to provide a home-aid service, and to appoint advisory councils. Beyond these general objectives, the act is extremely vague as to the principal policies and methods to be pursued. Its clauses deal more with machinery than with substance.

Two further measures of the same session may be described as social services worthwhile in themselves for adoption at any time, but timed for that particular moment because an election was in the offing. In an important amendment to its Social Security Act, the government made the family allowance universal, abolishing the principle of the means test. Under the present scheme, which came into operation in April, 1946, all parents are entitled as of right to receive ten shillings a week for each child under sixteen years of age. Income-tax payers are still granted in respect of their children an exemption from their assessable income. Equally well-intentioned was a Maori Social and Economic Advancement Act, designed to aid the aboriginal race, which having already obtained much help from Labor, is now strongly pro-government in its political sympathies. Broad in scope, the act embraces almost anything that conduces to Maori development, creates a network of Maori committees and tribal executives to be responsible for policy and administration, and authorizes the payment of subsidies from the central exchequer to supplement local and tribal funds.

The political strategy conditioning the legislation of 1945 came out most clearly, however, in the *pièce de résistance* of the whole session: to wit, a change in the Dominion's electoral law. Ever since 1889, New Zealand elections have been conducted under a system originated by the farmers at a time when they were still numerically ascendant and devised to bolster their parliamentary representation against the faster growing cities. The law required that electoral districts be apportioned on the basis of population. But the rural areas—defined as all places where the inhabitants were scattered in units of under 2,000—were accorded a fictitious increment of 28 per cent, with the aid of which the country constituencies were nominally equalized with the urban. In effect, the system operated as a national gerrymander, giving the farmers about four extra seats of the eighty that comprise the House of Representatives. The Labor party, being strong in the cities and weak in the countryside, has now abolished the "country quota," as it was called. What is more, it has provided that districts shall henceforth be apportioned on the basis, not of the total population, but of adults only. This, too, militates against the ruralites, amongst whom the proportion of children to adults is somewhat higher than in the cities. The electoral amendment, it should be added, was bitterly fought by the Opposition at every stage of its passage through Parliament, and the Ministry used all its powers under the standing orders to apply the closure. Both on this and on other legislation, the Govern-

ment encountered some justifiable criticism of its tactics, irrespective of the contents of its program. Many a major bill was introduced late in the session, was debated without adequate opportunity for study, and was jammed through during the rush of the last few weeks. The same tactics were repeated in 1946, when Parliament at the very close of the session hastily made the internal marketing of petroleum a state monopoly.

At the general election of November, 1946, the pattern sketched out in 1943 was continued. Labor lost four seats, and the seventy-six European constituencies were equally divided between the two parties. All four Maori constituencies, however, returned Labor candidates. The government, therefore, stays in office, but on sufferance of the Maori representatives, who hold the balance. Even in the cities, where new electoral districts were created by the reapportionment, the Labor tide again receded. It can reasonably be assumed that if it had not changed the law, the ministry would have fallen. The drift away from Labor may be ascribed to various causes: to the normal swing of the pendulum against those who have been in power for ten years; to Labor's failure to introduce fresh blood in its top ranks; to the revival and liberalizing of the National party; and finally to public irritation at certain shortages and restrictions.

New Zealand will doubtless continue to retain most of the socialistic character to which all of its major parties have in varying degrees contributed; whilst, through the operation of the electoral process and the free play of public criticism, it retains its democratic stamp. The resurgence of the Opposition, so essential to the peaceful alternation between parties, highlights the survival of a democratic dialectic differing from the other dialectics of orthodox Marxian or Hegelian varieties.

INSTRUCTION AND RESEARCH

TOWARD A MORE INTEGRATED POLITICAL SCIENCE CURRICULUM

LANDON G. ROCKWELL

Williams College

Recent concern with the liberal arts curriculum as evinced by the report of the Harvard committee on *General Education in a Free Society*, Colgate's adoption of a core curriculum, and a thorough reëxamination of their entire educational program by scores of other institutions sharpens the recurrent problem of attempting better integration within the constituent parts of the curriculum. Whenever political scientists, talking shop, lapse into general principles, there is inevitable discussion concerning the nature and focus of political science itself. Much hard thinking has been done on the subject. There is, however, as in every profession where individual specialties are earnestly pursued, a tendency toward intellectual myopia, a tendency to miss, by default rather than consciously, a synoptic view of the subject. This has resulted in a lack of integration, of comprehensive design, of sense of balanced purpose, in many political science curricula.

The miscellany of unrelated, overlapping courses which one sometimes encounters in college or university catalogues, to say nothing of the neglect of important aspects of government, indicates that the political science curriculum has received inadequate analysis. Political scientists who teach are educators as well, and thereby have a dual professional responsibility to present their field of inquiry as an integrated, comprehensive whole, elucidated by specific course offerings. Only thus can political science realize its richest contribution to liberal education as well as to an understanding of the political process within and beyond academic halls.

The recent Harvard report on general education observes that "a general education is distinguished from special education not by subject-matter but in terms of method and outlook, no matter what the field . . . specialization as an educational force has its own limitations; it does not usually provide an insight into general relationships."¹ Political science departments have an obligation to provide insights into general relationships within their discipline, particularly in their undergraduate program. For the function of most political science departments is not primarily to train political scientists, but to educate responsible citizens in understanding the problems of government in contemporary society. Thus the political science curriculum requires a maximum of balanced integration

¹ Report of the Harvard committee, *General Education in a Free Society* (Cambridge, 1945), p. 6.

if it is to fulfill its proper mission within the context of liberal education.

The lack of integration in the political science curriculum is indicated by the varying conceptions that many political scientists have of their discipline. In professional circles, one hears or reads that political science is primarily the scientific operation of practical politics, that it has nothing or little to do with ethics or philosophy. To quote from a recent article by a prominent scholar: "Political scientists . . . should leave ethics to the philosophers and concern themselves primarily with the description and analysis of political behavior."² Others favor the view that political science is largely concerned with the techniques of administration and operations of governmental activities, or with social and economic problems expressed in terms of communal authority. Some consider the realm of ideas and principles to be the focal point of the discipline. A more general conviction is one which holds that political science is fundamentally concerned with power relationships. History offers much to validate this. But the phrase is vague. Even when the ramifications of social and economic power are viewed in relation to the powers of the state exercised on several levels and with reference to different groups, it is questionable whether this approach adequately presents a comprehensive view of government. The experience of the twentieth century has proved that power is a decisive and necessary expedient for the solution of problems, but that there are issues which await more than the sanction of power for their solution. Consent, attitudes of mind, inner convictions, are necessary to supplement power if man is to live in peace and plenty in the one world which he has established but not yet organized.

Another general approach to the problem is the conviction that political science is analysis of the political process. But this, again, is vague, implying different things to different minds. To some, the political process means the day-to-day operations of political institutions and forces throughout the calendar year; to others, it implies broader and more complex matters which may include any or all of the foregoing aspects of the problem of governance. As with most issues of this kind, the truth of the matter probably lies somewhere in a combination of these several conceptions of political science, since the breadth and complexities of the subject require the most comprehensive approach to its problems. To the writer, the conception of political science as an analysis of the political process offers the broadest, and therefore the most satisfactory, view of the discipline, provided that we know what we mean by the phrase.

Political activity is an aspect of human experience. Political science analyzes this experience and speculates concerning it. This is its nexus

² William F. Whyte, "A Challenge to Political Scientists," in this REVIEW, Aug., 1943. This thesis was later challenged by John H. Hallowell in an article, "Politics and Ethics," *ibid.*, Aug., 1944.

with history, for history in its broadest sense is human experience. More specifically, political science analyzes that part of human experience which is and has been concerned with the exercise of authority over the community and the individual and among communities, ostensibly to promote security, order, justice, freedom, and welfare. Political science is thus an analysis of the political process penetrating vertically through the centuries back to the beginnings of organized society and cutting horizontally across the complex components of political authority and desires of any given period, particularly the contemporary one.

This political process which is the subject of analysis by political science, if it is to have meaning, must be considered as including several components which together embrace man's total political experience, each with characteristics which justify its designation as a major constituent of the whole; each, however, so organically related to the other that it loses significance except as it is considered as part of the whole. These components which give the phrase "political process" its meaning can be variously designated and variously elucidated. Basically, it seems to me, they consist of the following categories: (1) political ideas or theories; (2) political institutions—their organization, functions, and operations; (3) political dynamics—parties, pressure groups, propaganda, public opinion, economic, social, and geographic forces; (4) political techniques and administration; (5) jurisprudence. Together, these components constitute the political process, because they include all aspects of man's political experience.

These components or categories should not be regarded as courses of instruction. Rather, the political science curriculum should be constructed so that the specific course offerings would cover the areas embraced by these categories. The components would, of course, be referred to the three levels of government—local, national, and international—and projected in vertical synthesis down through these levels wherever such synthesis is possible. The curriculum would thus be based on a rational design derived from a balanced and definite conception of the political process. The result would be an integrated pattern of courses providing a comprehensive investigation of the political process, leaving no important gaps and offering opportunity for maximum correlation among the fields of political science.

With one possible exception, these components are, of course, traditionally accepted aspects of political science as it has been taught for more than a generation. What is not so traditional is their integration as mutually dependent constituents of the political process which lose much of their significance unless they are considered as interacting parts of a whole.

The first of these components, *political ideas*, is listed first because ideas offer reasons for the political process. In some instances, they are motivat-

ing forces; at least they explain motivating forces. They probably have the greatest survival value and power, for they deal with the great themes of human striving: justice, liberty, consent, equality, toleration, power, authority, security, welfare. And because of this they are basic to any systematic, rational approach to the political process. The realm of theory concerning security and order on a world scale in a supra-national jurisdiction presents, of course, a new and turbulent tributary to the traditional streams of political ideas.

Political institutions would include an examination not only of the organization of political institutions on the local, national, and international levels, but of their operations and functions as well. Such vital matters as legislative-executive relations, the institutional aspects of federalism, intergovernmental relations, and representation, for example, would also fall within this category.

The component *political dynamics* requires an examination of forces in the domestic and international community which are not strictly a part of the fabric of government, but which have a vital effect on its operations and policies. The fields of pressure groups, propaganda, and public opinion would fall within this category; similarly, political parties. Important economic and social forces or trends, and geographic factors particularly with respect to international politics, would also be included as vital aspects of this component. Speculation concerning appropriate functions of government would belong to this component as well as to those of political ideas and institutions, because expansion of governmental functions is induced largely by the impact of economic or social pressures on public policy.

Political techniques could be covered by a course or courses in public administration, planning, and other matters that concern administrative management and analysis.

Finally, *jurisprudence* would embrace courses in constitutional law and interpretation, administrative law, and international law. As the legal and constitutional matrix which gives government its form, limits, and responsibilities, jurisprudence merits the status of a distinctive component of the political process.

It should be emphasized that a given course would not necessarily fall wholly within one of these five categories. The components would be touchstones or guides by which to integrate the political science curriculum into a balanced, comprehensive examination of the political process. For example, a course in international politics would probably cut across all of these categories. It would examine the organization and operation of international political institutions; the particular administrative problems involved; the political dynamics peculiar to international problems such as economic, ethnic, and geographic factors. The rôle of propaganda

and interest groups would probably be introduced. Discussion of political ideas projected on the international level would further illuminate the problems. Something of the nature and holdings of international law and justice would be considered, although presumably most of this field would be reserved for a course in international law. A course in comparative government, although concerned primarily with the organization and operations of institutions, would elucidate relevant political ideas, dynamics, techniques, and systems of law. In whatever course they might be included, such problems as federalism, legislative-executive relations, legislation, or representation would be expanded through ideas, institutions, dynamics, techniques, and jurisprudence. The working out of political ideas would be observed in each of the other components. As many different lights as possible would thus be thrown on a problem, thereby eliminating many of the shadows.

The component political dynamics might well provide the substance of a specific course in the curriculum. Courses in political parties and public opinion are commonly offered, but there is much to recommend the inclusion of one course in the more general field of political dynamics. Certainly no subject of investigation is more important to the political process than an analysis of pressure groups and the economic and social forces which motivate governmental action. These matters have presented an expanding research area in recent years; they are no less important as a teaching field.

Thus the pattern of courses within a given political science curriculum would be derived from a broad functional breakdown of the political process. The courses themselves would not necessarily be identical with the components suggested above. A specific course may cover any material which can be organized as a unit and which can be given a focal point within the boundaries of the political process. Integration is achieved by drawing upon the several components of the political process for the content of each course and for the methods used in presenting it. An important objective for any course in government is to demonstrate interrelationships. Only by referring the problems encountered in each course to all the relevant components of the political process (and in most cases all of the components will have some relevance) can interrelationships be properly demonstrated. Furthermore, the distribution of courses among the fields of political science should be such that none of the foregoing components of the political process will remain unexamined. In the writer's opinion, political science majors should be required to maintain a proper distribution of courses among these components. This would promote a broad examination of the political process as well as insights into general relationships. The main point is that both the content and presentation of courses should emphasize that every aspect of the political

process is the product of ideas and moral climate, of institutional practices, of legal traditions, of social and economic pressures, of power relationships, and that even the beginnings of an adequate grasp of a particular problem cannot be achieved without a constant effort for synthesis and drawing upon peripheral material to illuminate the central task. This, of course, is as much a matter of good teaching as it is a question of what appears in the catalogue.

Two courses based directly on the five components of the political process discussed above (or their equivalents) could well be adapted to introduce and complete a more effective integration. The first course would be the introductory course of the department, offering a broad survey of the political process on an elementary level. It would survey very briefly the main currents of political thought from Plato to the present, particularly as they contribute to the gestation of democratic society on the one hand and of authoritarian organization on the other. It would relate this stream of thought to the development, characteristics, and functions of basic political institutions. It would demonstrate the rôle of political dynamics in contemporary politics and indicate some of the problems involved in the operations of practical politics. It would present principles or questions of political techniques and administration. And finally it would suggest the nature and function of jurisprudence, which gives authority to the state and rights to the individual. A course like this would be difficult to organize. The problem of selectivity and synthesis would tax the keenest minds, and the results would certainly not be accepted with unanimous enthusiasm. But in the writer's opinion it would offer a better introduction to the nature of government than most such courses now provide. Properly organized, it would serve the dual purpose of presenting in broad strokes the substance of political science to potential majors in the department and of offering an effective survey of the political process for those who do not elect a political science major.

The second course would be a seminar for majors, presumably required in the second semester of the last year for the purpose of drawing together in final integration the threads of the previous two years. This seminar would be presented on an advanced level, with a maximum of individual work for each student. A project might well be assigned to each student which would cut across all the components of the political process and require him to demonstrate their integration by his own investigations. Or in lieu of a regular seminar a long paper could be required along the same lines, with frequent conferences with members of the department.

Furthermore, the comprehensive examinations commonly required of seniors in their major field could profitably be adjusted to promote greater integration. Many such examinations tend to be merely comprehensive

course examinations. They are frequently not framed with the object of drawing together the main threads of a student's work in his major field. Individual questions generally concern matters exclusively within the boundaries of separate courses. Comprehensive examinations based on a more integrated curriculum would avoid this compartmentalization. For example, a student might be asked to write on a particular function of government. The question would be so framed as to require him to refer to the stream of political thought by which the exercise of this function by public authority is or might be justified. It would call for an analysis of institutional practice with respect to the exercise of this function. Relevant administrative techniques would be discussed. An analysis of the social and economic pressures behind the exercise of this function would be expected, as well as of the evolution of boundaries laid down by constitutional law. Questions would thus be framed so as to cut across the lines of the components of the political process wherever possible, in addition to examining a student on the content of the particular courses he has taken during the preceding two years.

With an introductory course which presents the substance of the political process on some such basis as suggested above, with the main body of the courses examining and probing the several categories of the political process, and with a recapitulation in the form of an advanced seminar, the political science curriculum would move closer to the integration and unifying purpose for which all education and intellectual endeavor strive.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At Dartmouth College, Professor Robert K. Carr has been granted leave of absence for the spring term to serve as executive secretary to President Truman's Committee on Civil Rights, and Professor Dayton D. McKean has become chairman of the department of political science.

Professor Harold S. Quigley, of the University of Minnesota, has recently returned to the United States from Japan, but continues on leave of absence during the spring quarter. Professor Benjamin E. Lippincott has been granted sabbatical leave for the academic year 1947-48.

Professor Philip W. Ireland has resigned his position as assistant professor at the University of Chicago in order to enter the Foreign Service, with which he has been on duty in the Near East during the last year.

Under the auspices of the Walgreen Foundation, Professor Zechariah Chafee, Jr., of Harvard University, gave a series of lectures, on civil liberties, at the University of Chicago during the winter quarter.

The University of Chicago announces the appointment of Mr. Frederick P. Bartlett as assistant professor of political science. Mr. Bartlett, who had former experience with the New York City Planning Commission, and now is connected with the State Department, will supplement Professor Rex Tugwell's work in planning.

Professor Graham H. Stuart, of Stanford University, addressed the Commonwealth Club of California on January 31 on "The President's Role in Foreign Policy." The address was broadcast over Station KLX.

On January 26-28, Professor Robert H. Connery, of Stanford University, led a party of students in American government to Sacramento, where they observed the state government in operation and attended conferences with a number of public administrators.

Dr. William C. Beyer, for many years director of the Philadelphia Bureau of Municipal Research, has resigned his position with the Bureau and has been appointed assistant professor of political science at the University of Pennsylvania. He will teach some of the in-service training courses for local-government officials.

On February 5, Dr. Charles C. Rohlfsing, chairman of the Committee on Administrative Personnel of the Third Region of the U. S. Civil Service Commission, conducted a conference at the University of Pennsylvania for college presidents and heads of federal administrative agencies. The

conference was designed to effect a better recruitment procedure for channeling college graduates into the federal service.

The late Professor John A. Fairlie, who a year ago made a cash gift of \$2,000 to the Endowment Fund of the American Political Science Association, also left the Association a bequest of \$5,000 in his will recently probated in Atlanta, Georgia. This final gift from an outstanding member of the Association should be an inspiration to all who are seeking to promote and improve the study of political science. Professor Fairlie also provided in his will a sum of \$20,000 to endow a graduate fellowship in political science at the University of Illinois.

Mr. Clarence E. Thurber, graduate student at Stanford University, has accepted a position with the Central Secretariat of the State Department in Washington. His principal duties will be in connection with the U.S.S.R. Committee, but he will also be the Central Secretariat's representative on the Committee on Iran, Turkey, and the Arab States, and on the Interdepartmental Committee on Scientific and Cultural Cooperation.

Butler University announces the following appointments in the department of history and political science: Clement T. Malan, as acting professor; Kenneth J. Deacon, Lewis Gilfoy, Hubert H. Hawkins, Emma Lou Thornbrough, and E. V. Kennedy, as assistant professors; Mary S. Owen and James M. Smith, as instructors; and Russell Curtis, Willard Gambold, and Roscoe Kirkman, as lecturers.

Professor Charles M. Hardin, of the University of Chicago, has received the Distinguished Publication Award of the Farm Economic Association for the best publication for 1946 in the *Journal of Farm Economics*. His paper was entitled "The Bureau of Agricultural Economics Under Fire."

Dr. William L. Taylor, formerly of the Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, and more recently historian and chief of the Records Analysis Division of the Foreign Economic Administration, Washington, D. C., has been appointed professor and chairman of the department of political science at Dickinson College.

Dr. William H. Young has resigned his assistant professorship at the University of Pennsylvania to accept an associate professorship at the University of Wisconsin, and will assume his new post in June. Visiting members of the political science staff during the coming summer session at Wisconsin will include Professors Andrew E. Nuquist, of the University of Vermont, William O. Farber, of the University of South Dakota, and Leslie Lipson, of Swarthmore College.

During the current semester, the political science club at the University of Wisconsin has been addressed by Dr. Coleman Woodbury, of the Na-

tional Housing Agency; Professor Herman Finer, of the University of Chicago; and Professors Merle Curti and Ray A. Billington, of the history departments of Wisconsin and Northwestern University, respectively.

In the summer session at the University of Minnesota, there will be the following visiting professors in political science: during the first term, Professor Robert J. Harris, of Louisiana State University; during the second term, Professors Charles B. Hagan, of the University of Illinois, Howard Penniman, of Yale University, and Allan F. Saunders, of the University of Hawaii. A feature of the summer session will be an Institute on Russian and Far Eastern Studies. Among participants in the first term will be Professor Lobanov Rostovsky, of the University of Michigan, and Professor G. Nye Steiger, of Simmons College; in the second term, Professors Rostovsky, Waldemar Gurian, of the University of Notre Dame, and John N. Hazard, of Columbia University.

At Marshall College, Professor A. E. Harris has been made chairman of the graduate council.

Dr. Guy E. Horsley has been appointed to an instructorship at Dartmouth College for the spring and summer terms.

Professor G. Bernard Noble, of Reed College, has been granted leave of absence to serve as chief of the Division of Historical Policy Research in the Department of State. The former Division of Research and Publication in the Department has been split into the Division of Historical Policy Research and the Division of Publications. Mr. E. Wilder Spaulding is chief of the latter.

Mr. Charles S. Ascher, of the Office of Housing Expediter in New York, has gone to Paris as a consultant to UNESCO on the development and coordination of its program, especially in the social sciences.

At Rutgers University, Dr. Bennett M. Rich, recently Lieutenant-Colonel in the War Department, has taken charge of the work in municipal government and public administration.

Professor John J. George, of Rutgers University, will offer courses in national government and political parties in the 1947 summer session of Cornell University.

In the reprinted program of the 1946 meeting of the American Political Science Association, in the February issue of the *REVIEW*, the name "Joseph Bruner" should have been "Joseph Dunner."

Dr. Norman N. Gill, director of the Citizens' Governmental Research Bureau of Milwaukee, is serving as part-time faculty member of the University of Wisconsin, Extension Division in Milwaukee, giving a two-

semester course on municipal government and administration, with guest lectures by city and county officials. In February, he gave four lectures on local government at the Current Affairs Institute held under the auspices of the Marquette University Alumni Association.

Professor Jerome Hall, of the Indiana University School of Law, presented the third series of Hillman Lectures at Pacific University, Forest Grove, Oregon, March 20, on "The Living Law of Democratic Society."

Dr. Henry G. Hodges, who is engaged in general management consulting under the firm name of Henry G. Hodges Associates, at Dayton, Ohio, has accepted appointment as professor of management at the Army Air Forces School of Technology at Wright Field. Dr. Hodges is continuing his association with the consulting firm.

At the bicentennial convocation of Princeton University on February 22, the degree of doctor of laws was conferred upon Professors William E. Rappard and Edward Mead Earle.

Dr. Lawrence L. Durisch, of the Government Research Staff of the Tennessee Valley Authority, and Professor George W. Spicer, of the University of Virginia, will serve as visiting members of the political science staff at the University of Alabama during the coming summer session.

The Midwest Conference of Political Scientists will hold its first meeting since 1942 at the University of Notre Dame May 2-4. Sessions have been arranged on "The Future of Federalism," "Significant Developments in the Midwest," "Government, Labor, and Business," and "Foreign Policy and International Relations." There will also be a joint session with the Council of Social Studies to discuss "Civic Education."

Early in January, Senator Arthur H. Vandenberg, chairman of the Senate Foreign Relations Committee, announced the appointment of Francis O. Wilcox as chief of staff of the Committee. Dr. Wilcox will retain his post as international relations analyst at the Library of Congress, but will devote full time to the Committee and head up the Committee's professional staff activity under the terms of the Reorganization Act.

Dr. Ruth Eve Shirley Lewis has been appointed instructor in the department of history and political science at the University of Utah.

Lieutenant Commander Walter J. Moberg has returned as dean of North Park College, Chicago, after an absence of two and one-half years in the European Theater, where he acted as commander of the Naval Civil Affairs Group in France following the invasion and later as plans officer in the Office of Naval Adviser in Berlin.

Professor Evron M. Kirkpatrick, of the University of Minnesota, will teach in the 1947 summer school at Yale University, and Professor Earl Latham in the summer session at Harvard University.

Professor Henry von Hasseln has been appointed chairman of the department of history and government at Anderson College, Anderson, South Carolina.

During January, Dr. Robert Strausz-Hupé, of the University of Pennsylvania, visited Indianapolis, St. Louis, Louisville, Nashville, and Birmingham and participated as discussion leader in the regional committee meetings of the Council on Foreign Relations.

At Marshall College, and under the chairmanship of Dr. Conley H. Dillon, the Intergroup Forum (a unit of the National Council of Education program sponsored by the Carnegie Endowment) recently carried out a program on the subject of "Bridging the Gap Between the Social and Physical Sciences in this Atomic Age." Discussion leaders were Dr. R. H. Crist, research chemist of Carbon Carbide and former assistant to Dr. Harold C. Urey on the Manhattan Project, and Dr. Paul Hatt, sociologist and statistician, formerly of Ohio State University.

The Bureau of International Relations at the University of Washington has revived its series of dinner symposia discontinued during the war. Professors Harold H. Fisher, of Stanford University, and J. A. St. Clair Sobell, of the University of British Columbia, participated in the first of the new series, under the chairmanship of Professor Charles E. Martin.

The School of Social Sciences and Public Welfare of the American University, in coöperation with the Washington Section of the American Political Science Association, will conduct an Institute for Teachers of Government and Administration in Washington for a two-week period beginning June 16. The Institute will afford a selected group of teachers of government and administration an opportunity to study the practical operation of national government, and to meet national leaders for discussion of various problems of government. The program will cover all phases of national affairs and will be designed particularly to meet the needs of those who have not had opportunity during the war years to observe the operations of the national government. Persons interested in attending should communicate with Professor J. W. Manning, 1901 F. Street, N.W., Washington, D. C.

The twenty-third session of the Institute of World Affairs was held at the Mission Inn, Riverside, California, December 8-11. Professor Graham H. Stuart, of Stanford University, acted as director, and Professor James T. Watkins and Dr. Tung-Chi Lin, also of Stanford, served as

round table leaders. The general theme of the meeting was "United States Foreign Policy."

Under the editorship of Dr. Laszlo Rodvanyi, of the National University of Mexico, a new quarterly journal has appeared bearing the title *The Social Sciences in Mexico, and News About the Social Sciences in South and Central America*. The journal is published in English and has as its principal purpose to make known to social scientists of other countries the work that is being done in this field in Latin America. Ample space is to be given political science. Subscriptions (at \$3.50) may be addressed to the editor at Donato Guerra 1, Desp. 207, Mexico, D. F., Mexico.

A conference on Middle Eastern Affairs, sponsored by the recently established Middle East Institute, and held at Washington February 14-15, was attended by more than one hundred representatives of academic institutions, government agencies, and public bodies. Topics considered included "Oil in the Middle East," "The Rôle of the United States in the Middle East," "Middle East Studies in Graduate and Undergraduate Curricula," and "The Middle East Institute Program." The first issue of the Institute's publication, *The Middle East Journal*, appeared in January.

A number of international conferences are scheduled for the summer of 1947. The following are noted as of interest to political scientists, together with the American representative to whom correspondence may be directed:

<i>Name and Place of Meeting</i>	<i>Date</i>	<i>American Representative</i>
Eighth International Management Congress Stockholm, Sweden	July 3-8	Mr. Charles H. Hatch, Coördinating Office for U.S.A. Participation, National Management Council, 347 Madison Avenue, New York 17, N. Y.
VII International Congress of Local Authorities Paris, France	July 7-12	Mr. Earl D. Mallery, Sec'y, American Committee for the International Union of Local Authorities, 1313 East 60th Street, Chicago 37, Ill.
International Congress on Administrative Sciences Berne, Switzerland	July 22-30	Mr. Leonard D. White (Chairman, American Section, International Institute of Administrative Sciences), Department of Political Science, University of Chicago, Chicago 37, Ill.

International Exposition of Urbanism and Housing	June 1- July 15	Mr. Walter H. Blucher, American Society of Planning Officials, 1313 East 60th Street, Chicago 37, Ill.
Paris, France		

The International Congress of Documentation also will meet in Switzerland August 25-30.

Harold D. Smith. By the prescriptive right that was his because he wore the uniform of a sailor in the United States Navy in World War I, Harold Dewey Smith lies in a grave in Arlington National Cemetery on the historic heights overlooking the capital of the nation and the country and the people he served so valiantly in times of even greater danger, not as a sailor, not as a soldier, but wisely and well as a principal public administrator of the Republic. His life was short. He was not yet forty-nine years old. He had barely passed the age when most men of affairs, public or private, only begin the determinative decades of their lives, only begin to reap the earliest fruits of what they have planted in thought and travail, only begin to mount the plateau of maturity from which the better ones, the greater ones, may find the way and the means whereby to ascend the peaks of achievement. Yet cut off thus early and so tragically, Harold Smith already had limned his name in bold letters carved deep in the tablets of his time.

His career was as classically American as he himself was an American, and the very recording of its steps and phases should serve as an inspiration to young Americans who love their fellowmen, as will certainly, in time to come, the detailed and definitive story of his life which will concern and inspire some historian, some biographer, some political scientist, some public administrator, or all of them in concert.

Of his father and his mother, I know little except that they lived in Kansas, and that he once said to me quite casually that they had a deep interest in public affairs. That they were moved by patriotic impulses is manifest in the middle name that they gave to the son, who was born on June 6, 1898, just a few days after Admiral Dewey destroyed the Spanish fleet in Manila Harbor. The boy was to follow Dewey into the Navy in his late teens, and then thereafter to live and work mainly for the public until that bright sunshiny day in January when he was buried with the naval honors of war in Arlington, with the Secretary of the Navy and the President's naval aide there to honor and to mourn him.

There, too, was the Secretary of State, who as Chief of Staff of the Army had worked so closely with him during America's greatest war. There, too, were other members of the cabinet, former members of the cabinet, the former Vice President of the United States, leading members of the Congress, Justices of the Supreme Court, and scores of others great and small

who knew him as a man, who admired and worked with him as a public official, and who honored him as a great American.

Self-destined by intellectual choice to be an engineer, self-destined by emotional drive to be a farmer, he found both these careers smothered under the compulsion of a conscience that decreed a life as a public servant. He took his engineering degree, bachelor of science, at the University of Kansas in 1922; but then, as until the end of his days, he never felt that he had learned quite enough about anything. And then, too, because of a girl, Lillian Mayer, he stayed on at the University under John G. Stutz in the headquarters of the League of Kansas Municipalities at Lawrence. It was there and then that I first knew him, when as president of the International City Managers' Association I nominated Mr. Stutz to be its secretary, moved its headquarters to Lawrence, went myself to that little university town, and encountered with the liveliest approbation Mr. Stutz's choice as a student assistant. From that day on, Harold Smith was my friend, my adviser, and at times my confidant as, I like to think, I was his.

In 1923, Smith entered the University of Michigan on a teaching fellowship of \$900 arranged by Professor Thomas H. Reed, who had met him at the International City Managers' Association conference in Kansas City some months previous. The next year, his imagination engaged by the possibilities in public administration, he went to Detroit to serve his apprenticeship on the staff of the Detroit Bureau of Municipal Research under the inspiring leadership of Lent D. Upson. At the same time, he completed work for his master's degree in public administration, which he received from the University of Michigan in 1925.

By this time "thoroughly sold," as he would have said, on the importance of municipal government and of municipal administration, he returned to Kansas to work again with the League of Kansas Municipalities and the cluster of similar organizations which John Stutz had collected at Lawrence. This was the time when the state municipal league movement was promising (and paying) great dividends in good government, and it was a "natural" when the Michigan Municipal League was formed in 1928 that Harold Smith should be chosen to be its director. Already Smith had developed his theory of the interdependence of the University and public administration, and in accordance therewith he brought the cities and towns of Michigan into closer relationship with the University than had been possible before they had been organized into a statewide institution. Thus it came about, again as a "natural," that in 1934 Mr. Smith was made director of the Bureau of Government of the University and admitted to its faculty.

During these years, he was not content only to counsel, only to advise; he was also willing to undertake public responsibility. Thus, with no political campaign, he became an elected county commissioner of Washtenaw

county and sat in the courthouse at Ann Arbor during the dark days when the deepening depression compelled all public officials to concentrate their attention on relief.

In these times, he became convinced that government in the United States would be good or bad in the degree that it was supported by the coöperation of public administration at all its levels—school district, township, county, state, and federal. This conviction he carried with him through all his days, one of the principal projects which he had in hand at the time of his death being the work of the Council of Intergovernmental Relations of which he was chairman and trustee.

In 1937, Frank Murphy, who as mayor of Detroit had learned to lean on Smith's advice, became governor of Michigan. Governor Murphy appointed Smith budget director of the state. In the next two years, he so demonstrated his ability in budgeting and organization as to attract the attention of Washington; and in April, 1939, President Roosevelt, on the advice of the Secretary of the Treasury, Henry J. Morgenthau, Jr., appointed Smith Director of the Budget. At that date, the Bureau of the Budget was still in the Treasury Department; but plans were already in the making for its expansion and translation into a closer relationship with the chief executive. In September, the Executive Office of the President was created and the Bureau of the Budget removed to it, its responsibilities widened and deepened, and its services expanded.

It was Harold Smith who during the greatest of wars was the prime managerial aide of the chief of the greatest of the states eventually to be embroiled. It was he who served that President and his successor all through that war, through times when defeat threatened, until the victory at arms was recognized as being only the prelude to an even more significant struggle for a victory over dissension, despair, and doubt that would assure a permanent peace.

This is not the time nor the place for an appraisal of Smith's great service as Director of the Bureau of the Budget during these fateful years. Suffice it to say that he presided over the expenditure of a greater amount of money than the operations of the Republic had theretofore cost from its beginning. Suffice it to say that the people never had in such a position of trust an abler or a more devoted or a more successful servant.

One aspect, however, of his work needs to be cited to readers of this REVIEW. Harold Smith brought many a political scientist to the staff of the Bureau of the Budget. But more than any of them he understood the new significance of public administration in our constitutional system, and he saw how that system must depend in the future on a proper balance of the various forces that play on its administrative organization and procedures. In meeting the needs of the war, he was the one who time and again helped the President maintain the essential superiority of the civilian over the military establishment. He was the one who helped the

President perceive the dangers of letting governmental powers, through administrative devices or procedures, slip into the hands of private interests. He was the one who saw the possibilities of furthering public welfare by aiding the social sciences, as well as the natural sciences, and bringing them into a proper position of influence and usefulness in the federal government and our modern society.

When he left the Bureau of the Budget, he left it for an activity in a still higher level of government. He went to be vice president of the World Bank, a project well within the interest of his last year and a half or two years at the Bureau of the Budget, when above everything his interest was engaged in the organization of the United Nations and its ancillary bodies.

Apt in many phases of public administration, he was especially skillful in two—the choice of persons to help him and using them to the upper limit of their capacity. He was patient and had the ability to suffer fools gladly. He was slow to anger and often banked smoldering fires of indignation behind an impassive mask that would have brought him greater monetary rewards had he devoted it to the great American game of poker. Nevertheless he had capacities for great indignation, righteous indignation, and when aroused knew what to do and how to do it. It was the other fellow's fingers, not his, that were scorched at such fires.

He was deliberate—so deliberate that sometimes he seemed to be slow, too slow. And yet there was something deceptive about this. This deceptiveness was manifest in his walk and carriage. He stooped and leaned forward as if he were straining the great strength of his body into the yoke of a mighty burden. Thus his gait, too, seemed slow; but if one attempted to walk with him the ordinary person had almost to run to keep up with what may only be described as his loping gait.

He had one great fault. He never learned to loaf. He was always working. His only relaxation was to change the kind of work he was doing. If he were not at his public duties, he would be busy with a lathe or a hammer or a saw, making furniture, building a boat, or something of the sort; and if he were not busy with that, he would be at work on the farm. In his last years he was a dirt farmer and found his only relaxation riding a tractor or pitching hay in the hard work of a sweating dirt farmer. He never withdrew his shoulders from the yoke.

He married Lillian Mayer at Lawrence in 1926, and they had five children. She and four of the children survive. It was of her and of them that he thought most and talked oftenest when old friends were about.

What he might have done had he been given the usual span of life, no man may say. But this can be said: Harold Smith made a monument for himself as one of the greatest public administrators in the history of his beloved United States of America.—LOUIS BROWNLOW.

BOOK REVIEWS AND NOTICES

The Myth of the State. BY ERNST CASSIRER. (New Haven: Yale University Press, 1946. Pp. xii, 303. \$3.75.)

The late Professor Cassirer's concern, in this his last book, published posthumously, was the collapse and resuscitation in Western civilization of myth as a bond of social cohesion and a basis for organized activity. He concluded that, while the monster can never be killed, it can and must, for human happiness, be kept in a state of permanent hibernation.

The book is divided into three major sections. The first is an acute study of the nature and function of myth, based largely on critical analysis of various anthropological and psychological theories developed in the last century. It remains largely outside the purely political realm. In tone, it is moderate, undogmatic, reflective, balanced. Its main insistence, repeated again in the conclusion, is that myth pertains to collective social action, is not concerned with the individual, and that it is used as a basis of adjustment to an alien and difficult world where scientific knowledge is not achieved or is not able to bring immediately effective results. The need to explain, and the need to cope with, the world are its bases. It is not used in primitive society in those fields where men possess effective knowledge and techniques.

Part II has as its theme "The Struggle against Myth in the History of Political Theory." This is by no means a complete account, far less a complete history of Western theory. It emphasizes, first, the bond between Greek thinkers in their common struggle against mythical thought, and, second, the special rôle of Plato in creating an architectonic rationalism. It shows how the mediaeval world, starting from the Christian will and faith, ended by the time of Aquinas in the restoration of reason as the support, rather than an enemy, of the Christian *credo*. There follows a lengthy analysis of Machiavelli as the analyst without preconceptions, as scientist of the techniques of statecraft. The seventeenth century, however divergent its political theorists otherwise were, revealed a general concern on the part of social thinkers to discover a scientific theory of society, essentially mathematical in character, and the subsequent eighteenth century was interested in the practical utilization of the resultant rationalism. It was in the nineteenth century that Comteian positivism made the premature profession that a completed science of society had been achieved.

Part III, "The Myth of the Twentieth Century," analyzes the cause of the recurrence of myth in our time. This is attributed to three main thinkers: Carlyle, with his myth of the hero, Gobineau with his myth of race, and Hegel with his myth of the state. None of these intended to contribute to modern totalitarianism; all of them would have deplored the uses made of their doctrines, especially by Nazi Germany.

The conclusion states that the sense of inability to solve problems was the matrix for the rebirth of all-embracing myth in our own day, and of its use by totalitarian, especially Nazi, leadership. Myth was deliberately created and spread; and this was a work of careful planning. It involved especially the creation of a new language and change of the meaning of words, divorced in the process from all referents. Only when myth had been created and effectively sold were specific laws and rules imposed. Myth was the necessary precursor of government and force. In politics, we need to find, but have not yet found, an essentially valid theory with which to combat myth, here at its most dangerous. It is the function of intellect, morality, and art to drive back myth, itself deathless, and bring it into subjection. Only when leadership speaks in the name of these forces can the world emerge and remain in the clear light of day. When these forces weaken, it goes back remorselessly and inevitably into the grey twilight of myth. Gaining a false sense of adjustment and security, its life becomes fundamentally insecure and it faces destruction.

My first criticism concerns, not the theses here stated, but the actual presentation of the work. In the whole of the second section, and to a certain degree in parts of the third, Professor Cassirer apparently forgot his purpose in sheer interest in some of the thinkers discussed. As a result, he wrote essays on them which, while in some instances, as with Plato and Machiavelli, involving brilliant reassessments, were not, in their entirety, strictly germane to his theme. As a result, the work at times lacks coherence and the thesis is hard to follow. Part I and the conclusion could each stand separately, and they could stand together; but neither is intimately connected with Parts II and III.

Secondly, Professor Cassirer's limited selection makes his actual thesis, where it does emerge, appear more convincing than a wider survey of the diverse trends in Western thought, and particularly from the eighteenth century on, would warrant. He undoubtedly has perceived, as in his treatment of the seventeenth century, certain common bonds often forgotten. Yet he has seriously missed many other developments, perhaps of equal importance. In particular, I believe that he fails to stress adequately the political consequences, immediate and ultimate, of the Reformation.

A third, though obvious, criticism concerns his somewhat misleading title. As far as the present reviewer can see, Professor Cassirer, save perhaps in his criticism of Hegel's glorification of the state, nowhere argues or implies that the concept of the state is in any sense a myth. Nor does he devote his attention primarily even to theory whose object is to make or unmake such a myth. His work is rather an analysis of two slightly different things: first, rational and scientific thought about the organization of human society and, secondly, rational and mythical techniques of statecraft and the sources on which they draw.

This brings me to my fourth and final point. Professor Cassirer tends, almost in that spirit of enlightened reason of the eighteenth century he so dearly loved, to see as possible, as well as desirable, within historical time, the triumph of reason over myth. In a sense, he interprets intellectual history itself dualistically. It is a struggle between the powers of light, science, reason, intellect, universalism, and the power of darkness, myth. While he realizes that the attempt to achieve a political-social science has hitherto been premature and ineffective, he does not believe that the undertaking was perhaps misguided. He does not feel, that is to say, that it leads inevitably, as it did in Comte, to intellectualistic and scientific totalitarianism, itself impotent against the totalitarianism of the myth-maker, and so impotent, perhaps, because itself a myth of inferior appeal. He confuses, I think, the two very different issues of scientific analysis of society, as of nature, and the arts of practical government. The former must indeed be undertaken without prejudice on the part of the scientist, himself neither subject to myth nor creator thereof. The latter, even in democratic society, while used to achieve enlightenment by education, must nevertheless be carried on by leadership utilizing, at least within any predictable future, enlightened myth somewhat in the Platonic sense. The myth is indeed social, while rationalism must inevitably be an individual possession, hardly won and hardly held. To get social action and social cohesion until all have been won to that degree of enlightenment necessitates myth. Myth, however, is properly used to lead rather than to mislead, to promote well-being rather than to obtain power and exercise oppression.

THOMAS I. COOK.

University of Washington.

Grundlinien der antiken Rechts- und Staatsphilosophie. BY ALFRED VERDROSS-DROSSBERG. (Vienna: Springer-Verlag. 1946. Pp. vii, 174.)

Most authors of works dealing with the political theory of antiquity concentrate on the views and writings of such men as Socrates, Plato, and Aristotle, accompanying or prefacing such analyses with a description of the Greek city-state in order to facilitate an understanding of the circumstances under which these theories originated. Professor Verdross employs a different method, especially in the first half of his book. In his hands, the Greek thinkers become tools through which a most brilliant and vivid picture of ancient Greece is conjured up before the eyes of the reader.

Apart from proving again his distinguished scholarship, Professor Verdross is also a man with a purpose. After having first been suspended by the Nazis, he was eventually readmitted to teaching at the University of Vienna, but relegated to minor courses. In that situation, he concentrated on a course in Greek political theory which he used as a medium

by which to demonstrate, by necessary innuendo, the great tradition of liberty and the rule of law from the pre-Platonic thinkers to the Stoics. The manuscript was already finished in 1943, but it could be submitted to the general public only after the end of the Nazi rule. His efforts to prove his thesis, expressed with his customary acumen, are always noble and frequently brilliant—even in the few places where they do not entirely convince the reviewer.

Probably with an eye to the Nazis, he contrasts Athens, the state in which law ruled (*Rechtsstaat*) with Sparta, where law was merely a means to the end of power politics (*Machtstaat*). Athenian law was not merely positive command, but the expression of the social good, the highest interest of the state, which in the general Greek concept is identical with the interest of the individual. It is this ethical concept which, according to Verdross (quoting Pythagoras and Heraclitus) "the gods themselves dare not violate." The true ruler in the state is the law, which is more than positive command; it is that "higher law," that fore-runner of "natural law," which Antigone upholds in Sophocles' great tragedy in defiance of Creon's positive law. This "higher law" is in no way set aside from men or nature, but is a part of nature. Since nature is reason, so law, to be valid, must correspond to a rational idea. With this preparation, it is easy to see how Verdross finds it possible to call Plato's Republic a *Rechtsstaat*. This somewhat surprising result is achieved by identifying the law with the idea of the supreme good which characterizes the *Republic*. Thus, the guardians are not masters of the state, but its shepherds. For the supreme ruler is not the guardian class, not even the philosopher king, but the impersonal idea. This idealistic interpretation is presented with coherent reasoning. Yet the reviewer cannot help wondering whether Verdross' distinction between ideocracy and autocracy is not inconsequential. In its practical application, all government is government by men, and the dictatorship of the idea becomes thus a dictatorship pure and simple.

To Verdross, the *Laws* is not a work of decline and resignation, but on the contrary a work of fulfillment and political wisdom. Being unable to find the proper person for the philosopher-king, Plato proposes the régime of the *Laws*, not as a new, second-best state, but as a second-best method to achieve the best state, i.e., the state of the *Republic*. And Verdross attempts to show, with the help of Plato's letters, that Plato had already conceived the idea expressed in the *Laws* at a time when he was certainly far from broken in spirit by old age and disappointment. Yet, neither Plato nor Verdross furnishes the answer to the cardinal problem which has bedeviled most students of the *Republic* and the *Laws*. Since law, especially Greek law, is primarily a matter of custom, tradition, and experience, how can it ever become that pure, rational art which we meet in the *Republic*? Moreover, if politics is not a pure, intellectual art, how can it be

taught in a purely scientific manner? If, on the other hand, it is not a pure science, and if it is not teachable in an entirely scientific manner, then it follows, as Professor Sabine has pointed out so admirably, that very considerable revisions would have to be undertaken in the fundamental concept of the *Republic*.

While the author's excellent treatment of Aristotle follows basically the established groove, he attempts to place Plato and Aristotle more in line with each other than is usually done. Thus, after having attempted to demonstrate that Plato's *Ideenstaat* is identical with the *Rechtsstaat*, he proceeds to show that Aristotle follows very similar concepts; for the rule of "pure, unambitious reason" (*Vernunft*) is similar to Plato's ideocracy. And, like Plato, Aristotle feels that the laws could be dispensed with if only a God-like person could be found whose superior ability and wisdom would enable him to rule as a "law unto himself" (Compare *Laws*, IX, 875, and *Politics*, 1284a).

Finally, in his concluding pages, the author points to the increasingly strong metaphysical tendency which, beginning with *Phaedo*, comes to full bloom in the *Laws* and later has its effect on the Stoics and Cicero.

Apart from outstanding scholarship, Professor Verdross' book is distinguished by clarity and simplicity of language and style, which are not always found in books of a philosophic nature, and which are especially rare in German works. It is regrettable that the tongue in which the book is written will keep all those students away who do not possess a sufficient reading knowledge of German. For here, within the confines of relatively few pages, emerges a brilliant picture of Greek political thought which greatly facilitates a better understanding of the subject.

ROBERT G. NEUMANN.

University of Wisconsin.

Scientific Man vs. Power Politics. BY HANS J. MORGENTHAU. (Chicago: University of Chicago Press. 1946. Pp. x, 246. \$3.00.)

This book—to employ a French-like formula which is to that extent symptomatic of the rationalism against which the book so vigorously inveighs—is difficult to understand and, once understood, more difficult to approve. This is a pity; for the little volume appears to be the product of deep sincerity, and the central thesis is in its simplest form probably acceptable to most, if not all, intelligent people. It is the way in which the thesis is developed that causes the trouble; and this by no means involves merely questions of form.

Professor Morgenthau's position is, on the negative side, that the plight in which the world today finds itself cannot hope for a solution from natural science and its method. On the more positive side, he feels that what is needed in domestic and international affairs is wisdom, insight, and

moral courage. In this there is little with which to find fault. On the other hand, there is more doubt about the proposition that the present uncertain condition of the world is to be blamed on natural science and its method, and about the apparently consequent proposition that absence of wisdom, insight, and moral courage is to be attributed to the same cause. In any event, the propositions do not follow from the thesis. But scientific man having been determined upon as the scapegoat, the author flays about in every direction, associating with scientific man everything of which he disapproves, at least since the dawn of the modern era. For example, all "rationalist philosophy" and all "liberalism" are, without discrimination, condemned as based on faith in natural science. So far as power politics is concerned, singularly little is said about power, except that there is a natural human lust for it concerning which nothing can be done other than to accept it; and about politics the reader is not told much, except that it is essentially, inevitably, and irretrievably evil. The impression is at times difficult to avoid that repeated assertion is regarded as tantamount to logical proof. On the other hand, the pessimistic note and the tragic tone which pervade the little volume have the result that the more obvious grounds for a mildly hopeful attitude are irritably brushed aside. For example, education and reform are mentioned with manifest impatience.

Professor Morgenthau has much to say of "nature." He contends that scientific man, with his rationalist philosophy, is so irrational as to misunderstand the nature of man and the nature of the world, and even to misconceive the nature of reason itself. And yet Professor Morgenthau's use of the term "nature" is throughout highly ambiguous. No doubt he could in this respect claim the company of some of the outstanding figures in the history of political thought, from Aristotle down; but with the modern ones at least he would presumably prefer not to be associated. The ambiguity is none the less there; and this is possibly the most radical defect in his argumentation. Another random example of a shortcoming is the tendency in connection with reciprocal cause and effect to disprove one side of the interrelationship by asserting the other. So far as form and tone are concerned, it seems a pity that Professor Morgenthau is apparently not much concerned with the truism that potential influence is often weakened or destroyed by manner and attitude. Unfortunately, he is often dogmatic, at times supercilious, and not infrequently sneering and flippant.

R. K. GOOCH.

University of Virginia.

By Vote of the People. BY WILLIS J. BALLINGER (New York: Charles Scribner's Sons. 1946. Pp. xv, 381. \$3.00.)

This study is an unadulterated economic interpretation of the rise and fall of democracies. Its thesis is that democracy flourishes only in conjunc-

tion with a "soundly functioning capitalism." Democratic governments originate and thrive when wealth is widely diffused. They deteriorate and collapse when capitalism breaks down as a result of concentration of wealth, elimination of competition, and the consequent failure of private business to carry the employment load. While democratic government is prevented from freeing the repressed "natural productive powers" of capitalism by the oligarchy of wealth, "citizens with votes cannot be permitted to starve." "Government spending becomes a necessity." As a large employer of labor, government then becomes the "only source of subsistence" of many voters; and many business men benefit from government contracts. "If private business remains in depression too long, government spending will increase in volume, and eventually government will seek and obtain complete control over the economic system, with the consent of a people grateful for the economic favors they have received" (p. 23). Thus free governments perish "by vote of the people."

The first half of the book is devoted to showing that this pattern has been the same throughout history. While the author finds no record "of any important free government being destroyed by a revolution," he adduces eight historical instances in six of which the destruction "was accomplished entirely within the framework of the democratic process." The vestiges of Athenian democracy were finally destroyed by Philip of Macedon; and the Third French Republic expired as a result of Hitler's assault. But in Republican Rome, in fifteenth-century Florence, in revolutionary France, and in modern Italy and Germany, the people sold their democratic birthright for a mess of government spending. Venice at the end of the thirteenth century provides a slight variation on the same theme; there democracy succumbed to political trickery.

Though this thesis is highly suggestive, the author's argument from history is too pat. Thus written, history has a made-to-order appearance. The probable effects of other than economic causal factors are not accounted for. Moreover, the author has not actually proved that the variations in form and substance which "capitalism" and "democracy" have manifested at different times and in different places have been inconsequential. Thus he selects from a given confluence of circumstances those that confirm his hypothesis; and when he finds the same combination and sequence present in half a dozen historical situations, he concludes that he has discovered a general historical law.

In the second half of the volume, Mr. Ballinger examines the "highly monopolized industrial structure" of the United States in the light of his historical findings. He concludes that the "broken-down capitalistic system in America, dependent on government spending, will not stand still. Inevitably it will drift toward an authoritarian economy" (p. 219). He berates the New Deal for aiding and abetting this trend by its failure

to concentrate on eradicating industrial monopoly, by fostering an equally reprehensible labor monopoly, and by its policy of public spending.

The self-assurance with which Mr. Ballinger diagnoses the susceptibility of capitalism to a fatal disease is matched by his confidence in the sovereign remedy that he prescribes. "The way to make capitalism again workable in the United States is to clear away the obstructions to production that have lodged within the system. This means a restoration—not the elimination—of competition as the regulator of trade and commerce" (p. 277). To that end, he urges strenuous enforcement of the anti-trust laws and recommends that they be reënforced with heavy personal fines and prison terms for officers of corporations. In addition, he recommends the breaking up of large corporations, the outlawry of the closed shop and the check-off system, and the elimination of discriminatory freight rates and restrictions on interstate commerce. Strangely enough, Mr. Ballinger's economic liberalism does not extend beyond the three-mile limit; with respect to foreign trade, he favors a policy of protection.

Few contemporary political economists have as much confidence as does Mr. Ballinger in the prophylactic qualities of government-enforced competition. Since the threat of monopoly is persistent, the possibility of maintaining competition by government fiat is, to say the least, problematical. Government interference on the required scale would have to have steadfast popular support. It is hard to see whence that would come in sufficient strength, since monopolistic industry and organized labor often have parallel interests in restricting output and in maintaining prices.

HENRY JANZEN.

Pennsylvania State College.

Labor and the Law. BY CHARLES O. GREGORY. (New York: W. W. Norton and Company, Inc. 1946. Pp. 467. \$5.00.)

For a view of labor relations, you cannot find a more up-to-date, integrated, and readable book than this. Its pages are packed with lively description and commentary. It is a motion picture, with the selections, simplifications, and emphases that an artist producer will make. Gregory's scenario is stimulating and critical.

Though a book of scholarship, it is not a book of reference either for the student or for the practical man. The notes (collected at the back) are merely case citations.¹ The index is sketchy. It is a book written to be read and a book you enjoy reading and pondering—and doubting. It sags when art gives way to morals, especially when Gregory comes at the end to his program of legislative action.

¹ Only one book and two articles are mentioned. The effect is to limit *Labor and the Law* to Gregory's commentary on the court decisions. This enhances its readability, but lessens its value for students.

Since it is a book with a lot of punch, the reviewer must consciously check a desire to dash off in several directions at once, and try to focus comment on what may be helpful to other readers.

"The legislatures should be the sole arbiters of policy in regulating the self-help activities of labor unions" (p. 324). "The development of a uniform labor policy is the peculiar business of Congress alone. It cannot afford to have its prerogative to establish a workable policy of this sort in any way preëmpted by a judicial body" (p. 423). This is the author's chief thesis,² in which I feel that he belittles the proper function of courts. He is for complete freedom of action except as limited by statutes. He is against judicial legislation: there is (or should be) on the one hand neither a common law nor a constitutional right to be free from concerted economic pressure (so long as it is decently peaceful and honest) and on the other hand no constitutional right to strike or picket. The legislature should decide; and the courts should respect its decision. They should not contort statutes, as the Supreme Court did by reading Sec. 4 of the Norris-LaGuardia Act as an enlargement of Sec. 20 of the Clayton Act, rather than (as was intended by Congress) a mere curb on the use of the injunction by U. S. courts. The Supreme Court, in applying anti-trust laws to labor (both the early phase of wide application and the present phase of complete non-application wherever there is a labor dispute as defined in the Norris-LaGuardia Act), and in applying the constitutional guaranty of free speech to invalidate statutes limiting labor activity, abused its power of interpretation.

But it is clear that actually the courts have relied on various common-law doctrines to confine labor activities that are thought harmful to the public. One type of curb that Gregory magnifies is against picketing by persons who have no direct economic interest, what he calls "stranger picketing," one of several colorful terms with which he spices his narrative.³ In the medley of tests and barriers erected in labor cases, some courts, I agree, have said that it is unlawful to enlist the support of friends in a strike or boycott. The old Bucks Stove case⁴ under the Sherman Act and the common law case of *Auburn Draying Co. v. Wardell*⁵ are examples. But does anything remain of this today? If any strike tactic is

² His hostility to change of law by decision is frequently stated, e.g., p. 91 (common law), p. 98 (equity), p. 349 (constitutional law).

³ The House of Lords Trilogy (p. 46); the civil rights doctrine (p. 82); pink tea picketing (p. 172). The Supreme Court has done unions "a real disservice in vesting them with the worst curse of modern times—too much power." Unless Congress provides controls over that power, "the grapes of wrath will ferment until the whole keg blows up. And the wine that spills may be bitter to the taste" (p. 288).

⁴ 221 U.S. 418 (1911). But contrary to the author's allegation (pp. 172, 338, 345), this doctrine was not relied on in *American Steel Foundries v. Tri-City Trades Council*, 257 U.S. 184 (1921), which fully upheld all peaceful labor action.

⁵ 227 N.Y. (1919).

protected by the constitutional right of freedom of speech, it is certainly the appeal of a union or an employer for public support in their contest and the peaceful response to that appeal of others. And it should be; it is an informal referendum on the merits of a strike; it is the healthiest sort of popular trial of the issue. Gregory, however, paints a picture in which "stranger picketing" is one of the highlights of common law illegality. I think this a distortion, even as the law existed before picketing began to be called a form of freedom of speech. What all courts, in varying degrees, have condemned, and still condemn, is not picketing and boycotting *by* strangers, but picketing and boycotting *against* strangers—what Justice Frankfurter calls "conscription of neutrals"—not voluntary participation in response to argument, but economic coercion applied to persons not directly related to the controversy. "Stranger picketing" seems to me a legal phantom that once troubled the courts but is now fully dispelled. On the other hand, the policy against *conscription* of strangers and extension of economic pressure to neutral areas has always been strong enough even to limit constitutional freedom of speech in its relation to picketing.⁶

For a lawyer, Gregory is sometimes a little untrustworthy. Thus he tells us that courts may dismiss a case because there is no law applying to the situation (p. 17); a Justice of Massachusetts is "judge" (p. 60), and the Chief Judge of the New York Court of Appeals is "justice" (p. 77); the U. S. Supreme Court consents to review a decision "if it believes from a preliminary investigation that the judgment below was incorrect" (p. 237); the Case bill of 1946 is law (p. 324); the Fifth Amendment assures freedom of speech against congressional encroachment (p. 434); and the burden of proving legislation unconstitutional "is clearly on a court undertaking to declare it invalid" (p. 344). These particular loose expressions hardly clog the main stream of the thought, but other statements, like those about "stranger picketing," seem to me to twist opinions beyond the limits of artistic license;⁷ and some cases that seem to me

⁶ *Brotherhood of Carpenters v. Ritters Cafe*, 315 U.S. 722 (1942).

⁷ (a) *NLRB v. Va. Electric & Power Co.*, 314 U.S. 476 (1941). At p. 325 and p. 436, the author forgets that what the Court said was that while it was unfair for the employer to coerce employees by threat of disciplinary consequences of disregarding its advice, "neither the Act nor the Board's order here enjoin the employer from expressing its view on labor policies or problems The employer is as free now as ever to take any side it may choose on this controversial issue."

(b) *South Wales Miners' Fed. v. Glamorgan Coal Co.* (1905), AC 239, is not a trade-restraint case, as the author implies at p. 430, line 20, but a (dubious) use of the rule against inducing breach of contract.

(c) *Lichterman v. Laundry Drivers Union*, 204 Minn. 75 (1938), the author at p. 430 transforms from a decision on whether there was a labor dispute (which by parties' stipulation was to determine the judgment) into a decision on the legality of a form of restraint of trade, which it was not.

(d) The anti-racketeering case did not involve the construction of the words

importunately relevant are omitted.⁸ Certainly other writers would write a different scenario and highlight other episodes. But Gregory has filmed a complex story with masterly skill. He has done a fine job of condensation, with retention of vitality of portrayal. Some of his scenes are brilliant: I would mention particularly his analysis of the opinions in the Apex and Hutcheson cases, and his brief treatments of many NLRA issues.

"Where do we go from here?" is his last chapter. Here, as all the way through, he does not sufficiently insist on the part that agreement must play in the solution of conflict between economic groups. Particularly he goes far in recommending legislation to put anti-trust restraints upon unions. In this matter, as well as those relating to the strengthening of the NLRA system of collective bargaining and the enlargement of the use of arbitration,⁹ the precise proposals and arguments of the author are entitled to be read—not digested by a reviewer.

While Gregory's experience as Solicitor of Labor and arbitrator and law teacher assure him a familiarity with the whole field that qualifies him to give weighty "predictions of things to come" and rounded advice for their legal handling, this reader does not feel that his conclusions are inescapable, involving as they do a spate of legislative command. In sum, I would say that Gregory distinguishes himself as the lawyer-artist rather than the lawyer-statesman.

WILLIAM GORHAM RICE, JR.

University of Wisconsin Law School.

quoted at p. 425, line 31. The question was whether the situation fell within the statutory exception of "the payment of wages by a bona fide employer to a bona fide employee."

(e) The case of *Allen Bradley Local* is not described at p. 353, line 9, as the note indicates; nor does it seem to be mentioned at all. The opinion in which the author finds a "pathetic" tone is evidently the *Hotel Employees Union* case.

⁸ *Inland Empire Dist. Council v. Millis*, 325 U.S. 697 (1945) is not mentioned at p. 252. The line of cases enforcing collective agreements, beginning in 1922 with Robert F. Wagner's famous decision of *Schlesinger v. Quinto*, 117 N.Y. Misc. 735, are vaguely and slightly alluded to at p. 401, line 22, and p. 409, line 10. Here, as elsewhere, enlightening articles are not mentioned. One on collective agreements named in a note at p. 381 has been superseded by better ones, notably by Lenhoff's article on "The Present Status of Collective Contracts in the American Legal System," *Mich. Law Rev.*, Vol. 39, p. 1109 (1941).

⁹ He favors general requirement of arbitration of contract disputes (p. 405). He speculates (p. 423) that: "There might with assurance be undertaken the imposition of some sort of compulsory settlement of bargaining disputes in the utility field, much as has been done with the railroads. This procedure might well be extended to include any vital industry or service without the daily functioning of which the health and safety of the community might be jeopardized." (He does not discuss methods—or the constitutionality of methods—of carrying this out.) But otherwise he thinks (p. 388) that "in the absence of a paramount national emergency it is almost impossible to justify government assumption of the collective bargaining function."

The Alien and the Asiatic in American Law. By MILTON R. KONVITZ. (Ithaca: Cornell University Press. 1946. Pp. xiv, 299. \$3.00.)

This is the first volume in the Cornell Studies in Civil Liberty, under the editorship of Robert E. Cushman. Mr. Konvitz has made a unique and much-needed contribution to the literature of public law by undertaking a systematic analysis of the past and present law pertaining to the alien—with particular attention paid to the Asiatic. The rights of the alien to enter and remain in the United States, and to become and remain a citizen, are treated at some length, this material occupying the first half of the book. Thereafter, the alien's economic and social rights, such as the ownership of land, the following of various occupations, and the use of foreign languages, are considered. A final chapter is concerned with the Japanese-American episode in World War II.

In noting the development of the law and in stating its contemporary rules, the emphasis throughout is upon Supreme Court decisions rather than upon statutes and administrative action. The author properly observes that "the will of Congress is known only through the will of the Court" (p. 88); but one wishes that he might have found it possible to give more attention to the rôle of Congress and administrative agencies in the treatment of the alien by our government. Few will quarrel with the verdict that our legal treatment of the stranger in our land has been very bad, even though this verdict is frequently stated in very strong language, as for example in the statement that America's legal rules on the ownership and use of land by aliens "are economically unsound, morally reprehensible, internationally unfortunate, and constitutionally questionable" (p. 170).

But some readers will question whether the Supreme Court must assume as much of the responsibility for the inadequacies of the law pertaining to aliens as Mr. Konvitz insists upon. For example, the argument is not entirely convincing that the Court must take the blame for the exclusion of Asiatics from the privilege of naturalization, even in the face of the continuous presence since 1790 of the adjective *white* in the statutory provisions controlling the granting of citizenship. On the other hand, the attack upon the Court's tendency to follow the *presumption of constitutionality* rule in passing upon the validity of state and federal statutes restricting the rights of aliens is effectively done. It is pointed out that the Holmes-Frankfurter position that unwise and constitutionally dubious legislation should be attacked in the legislative arena rather than in the courts is a dangerous one to follow in dealing with the rights of aliens; for, "The alien, since he does not enjoy the franchise, and suffers under other handicaps as well, has no remedy in the legislature; his only remedy is in the courts. The courts should, therefore, zealously seek to give him the protection that will be commensurate with his need" (p. 218).

This will be an exceedingly useful book to both lawyers and political scientists, for its analysis of court decisions pertaining to the law of aliens is at all points complete and up to date, and its vigorous criticism of these decisions is continuously challenging.

ROBERT K. CARR.

Dartmouth College.

Congress at the Crossroads. BY GEORGE B. GALLOWAY. (New York: Thomas Y. Crowell Company. 1946. Pp. v, 374. \$3.50.)

Books on Congress seem to run in cycles. During the past few years, a half-dozen or more of them have dissected Congress, diagnosed its ailments, and prescribed remedies for restoring its former vigor and effectiveness. In the volume here reviewed, Mr. Galloway is concerned also with improving Congress. This is not surprising because as chairman of the American Political Science Association's standing committee on Congress, and subsequently as staff director of the Joint Committee on the Organization of Congress, he has participated actively in much of the vital investigation—both theoretical and clinical—that preceded the Congressional Reorganization Act of 1946.

This book, however, is more than a laboratory report and blueprint. Although Mr. Galloway describes the Congress which now stands at the crossroads, he also describes the Congress of an earlier era—how it slowly adjusted its organization and methods to changing needs. The evolution from a small, almost intimate, body dealing with the few simple problems of an agrarian economy to the present complex organism confronted with the sharply contrasting conditions of today did not take place in a single step. The record indicates a fairly steady process of Congressional adjustment in the face of increasing complexities, a point worthy of consideration by those who fulminate against the inability of Congress to adapt to new conditions.

After compact, informative chapters on the functions, composition, and machinery of Congress, its steadily increasing tasks and its successive reorganizations to meet new needs, attention is turned to the three basic problems of law-making, administrative oversight, and the two-fold problem of representing and informing the people. The thorny problem of executive-legislative relationships receives special consideration, and an interesting chapter deals with the practical problem of rendering more accessible the various technical services upon which the efficiency of Congress depends.

For those who have followed the activities of the American Political Science Association, the National Planning Association, and the Joint Committee on the Organization of Congress, there is not a great deal that is new in the book, but the author deserves a vote of thanks for the excel-

lent manner in which he has assembled in one place virtually all of the suggestions—official and unofficial—that have been offered in the cause of improving Congress. Especially useful is the Appendix, which contains several valuable tables providing information not easily accessible elsewhere. For the general reader, the book fills a long-felt need. Written in a style easy and informal, the book invites reading; and reading should bring comprehension, because technical language is either avoided or explained. By showing how Congress reached its present status, by indicating the whole range of suggested reforms, and by stating his own preferences with his reasons for them, Mr. Galloway offers the general reader a firm basis for reaching valid conclusions of his own. It is the temperate, dispassionate yet forthright tone of the book that recommends it so highly for Americans who want to understand their institutions as well as criticize them.

Mr. Galloway's recommendations for a stronger Congress follow patterns made familiar by the reports previously mentioned—with some additions: a constitutional amendment synchronizing the terms of the President, Senate, and House upon a four-year basis, greater emphasis upon joint committees, and abolition of the seniority rule. He believes that selection of committee chairmen by the majority leader in each house might be the best solution. Especial emphasis is placed upon the importance of providing Congress with organs of responsible leadership and of effecting continuous liaison with the President. Majority and minority party policy committees are proposed in preference to more extreme suggestions. It is unfortunate that in the recently passed reorganization act this provision was eliminated after the bill had passed the Senate. Present events once more demonstrate the need for unity in our governmental system. Although it seems doubtful whether any kind of mechanical device can remedy a situation that stems from the nature of our party system, no possible solution should be rejected without trial.

LAWRENCE H. CHAMBERLAIN.

Columbia University.

The Federal Field Service. BY EARL LATHAM. (Chicago: Public Administration Service. 1947. Pp. 70. \$1.50.)

The debt of the political science profession to the Committee on Public Administration and the Committee on Government of the Social Science Research Council is substantially increased by the appearance of this interesting and useful monograph. It is, in effect, a new number in the list of excellent research manuals sponsored by these agencies. Professor Latham was assisted in its preparation by William D. Carey, Arthur Svenson, Milton Mandell, and Wallace Sayre.

The monograph consists of an introduction, twelve chapters, and a

bibliography. The introduction, written by Professor Latham, is a definition of the federal field service as an area of research. The style is light, but adequate, and reveals the author as one well acquainted not only with the subject under discussion but also with modern American literature. His first concern is to encourage students to look upon the field establishments as worthy of their attention. He points out that ninety-two per cent of the federal (employee) population is to be found in the field, not in agency headquarters. Federal workers now are in as close touch with the public as are local government officers.

Among factors other than mere size which Professor Latham believes justify the federal field service as an appropriate area of study, he lists certain tendencies in research in public administration: "(1) to deal with fragments rather than universals, (2) to mask the flow of process and the interconnections among things under artificial conceptual and verbal constructions, (3) to separate technique and purpose, and (4) to lose sight of the fact that social science is about people." He believes, in addition, that the study of public administration would profit by broader and more systematic inquiry into the relations among administration, politics, and ethics—a belief in which this reviewer heartily concurs.

Three persistent problems of field organization are lucidly described: (1) vertical versus horizontal organization, (2) functional specialism versus administrative generalism, and (3) communications. The transcendent importance of adequate attention to the last of these is stressed, and some hints are given as to possible solutions. This section merits the thoughtful attention of all teachers in our discipline, as well as those administrators who may be in a position to secure action in conformity with the suggestions made.

The first three chapters of the text were written also by Professor Latham. They deal with problems of organization: (1) establishment, (2) hierarchy, (3) areas. Chapters 4, 5, and 6 were prepared initially by William D. Carey of the Bureau of the Budget; and they deal with problems of management: (4) delegation, (5) control and supervision, and (6) integration and coördination. Chapter 7 was written by Arthur Svenson of the Department of Labor; it deals with the field administrative services. Chapter 8, on "Field Problems of Personnel Administration," was prepared by Milton Mandell of the Civil Service Commission. Chapters 9 and 10, which deal respectively with "Field Communications" and "Field Problems of Public Relations," were written by Professor Latham. Chapter 11, on "Field Participation in the Formulation of Policy," is from the pen of Wallace Sayre, then of the Office of Price Administration. The final chapter on "Executive Management and the Federal Field Service," is again by Professor Latham. The outline for each of these chapters was uniform, consisting of three parts: (1) scope of discussion, (2) literature,

and (3) problems of research. The bibliography was prepared by the staff of the library of the federal Bureau of the Budget.

Those charged with responsibility for teaching, conducting research, or directing the efforts of graduate students, as well as public administrators concerned with the problems of central-field office relationships, will find this monograph an interesting mine of useful suggestions.

HARVEY WALKER.

Ohio State University.

Management of the Federal Debt. By CHARLES CORTEZ ABBOTT. (New York: McGraw-Hill Book Company, Inc. 1946. Pp. ix, 194. \$2.50.)

This brief study by Professor Abbott represents an endeavor to place in proper perspective some of the major problems resulting from our huge federal debt. Management of the debt is defined as "the choice of debt forms and the proportionate amounts of the different types used, the selection of the pattern of debt maturities, the amounts of debt placed with different classes of holders, the decisions to repay or refund maturing obligations, the refunding terms offered, the treatment given different classes of debt and different types of bond-holders, determination of the provisions attached to new bond issues, adaptation of new issues to the needs of prospective holders, policies pursued in the retirement or creation of new debt, and the relative weights given to all these matters in the government's general fiscal policy." As the author keeps reminding us throughout the volume, it is the magnitude of the debt and the rapidity of its growth which imparts to the decisions on these matters consequences so far-reaching as to affect intimately every portion of the economy.

The study seeks to do the following things: to consider our present problems of debt management as an outgrowth of wartime policies; to point out how debt policies have resulted, as expressed by the author, in "the loss of fiscal controls"; to examine, with the federal debt situation in mind, the present and future rôles of commercial banks, life insurance companies, and savings banks; to outline debt management objectives and ultimate goals of policy. Of special interest to the political scientist is a chapter on debt management and the administration of fiscal policy.

Professor Abbott distinguishes three general approaches to the subject of debt-management. First, there is the Hansen theory which concentrates upon expenditure and views debt management primarily as "a problem of transferring dollars acquired by the government from one set of persons, whether through taxation or borrowing, to another set of persons, the persons who hold claims for interest payments." Second, there is the Leland approach, which views the debt management process as "an independent or semi-independent mechanism at the disposal of fiscal authority for regulating financial and economic matters." The author

finds pitfalls and weaknesses in both of these views. He favors, therefore, a third approach which would give "more weight . . . to ways and means of diminishing the influence that the existence of a tremendous debt and particular debt policies necessarily exert upon business decisions made in individual financial and business institutions."

The general tone of the volume is orthodox and pessimistic. Too much reliance cannot be placed upon the governmental process, and the ambitious goals of many current fiscal-policy doctrines are regarded as clearly beyond the limits of administrative feasibility. Specific actions recommended are the placement of as much as possible of the debt on a semi-permanent basis, in the hands of the non-bank public; placement of as much as possible in the hands of strong holders, to keep the floating supply within manageable limits; creation of a free market for some portion of the debt; finally, and of the greatest importance, a reduction in the interest cost of the debt.

In brief, the essence of the author's position is that the only way to lighten the debt burden is through an expanding economy and a rising national income, and that to achieve this goal the maximum possible reliance should be placed on the operations of a free market. Controls therefore, including those involved in debt management, should be held to the irreducible—but necessary—minimum.

This is a provocative study which should stimulate interest in one of our most serious domestic problems. At times the conclusions of the author are stated with more assurance than his analysis warrants, as for example his conclusion (p. 100) on the future rôle of commercial banks. His recommendations on making effective a single integrated fiscal policy are timely. Particularly pertinent, in the reviewer's opinion, is his suggestion for what one might describe as a ministry of finance in which would be concentrated administrative responsibility for the operations of all executive agencies whose duties are primarily of a financial or fiscal character.

MARTIN L. FAUST.

University of Missouri.

The Concentration of Economic Power. BY DAVID LYNCH. (New York: Columbia University Press. 1946. Pp. x, 423.)

This book offers a highly useful analysis of the work of one of our great congressional investigations, the Temporary National Economic Committee. In selecting his materials, the author focussed his attention upon the thirty-seven volumes of hearings (17,000 pages) rather than the forty-three special monographs, primarily because "the monographs, unfortunately perhaps, played an unimportant rôle in the final deliberations and recommendations of the Committee." In temper, readability of style,

and interweaving of detail with sharp generalization, the work carries on in the tradition of Lloyd's *Wealth Against Commonwealth*, Fetter's *Masquerade of Monopoly*, and Berle and Means' *Modern Corporation and Private Property*.

In line with the author's finding (p. 356) that the T.N.E.C. contributed little that was new about concentration and imperfect competition in American economic life, apart from charting trends and bringing the record down to 1939, perhaps the principal value of his book for political scientists consists in his exposition of the strategic political and psychological factors involved in mobilizing the instruments of government to deal with over-all problems of structure and control of policy in a private enterprise economy.

The T.N.E.C. was conceived during the sharp business recession of 1937 and terminated during the heightening tempo of the defense program early in 1941. Its existence roughly bridged the period between the end of the New Deal's major legislative reforms and a new phase of industrial activity in which the Administration was no longer in danger from charges of failure to solve the problems of unemployment and lack of business confidence. Back at the end of 1937, however, the newspapers, more than two-thirds of which had opposed Roosevelt in 1936, were freely attributing the recession to the effects of five years of government experimentation and reform. Mr. Lynch shows how the Administration grasped the opportunity, over a period of some four months, to dramatize the connection between private financial-industrial concentration and the responsibility for the crucial decisions affecting the level of purchasing power and employment (identifying "monopoly power" with "unemployment"). The President's message of April 29, 1938, capped this drive by proposing a great national inquiry into the facts of control in economic life, to the end that the nation might decide what it wanted free enterprise, through its government, to do when the system through its own private controls failed to achieve maximum employment of its human and natural resources.

The extent to which the public and Congress had been successfully prepared for action was revealed by the fact that after the issue of legislative vs. executive control of the Committee had been compromised and Senator O'Mahoney had agreed to act as sponsor, the joint resolution authorizing the inquiry went through the legislative mill in three weeks. The T.N.E.C. then faced the problem of keeping its investigation away from witch-hunting and organizing itself for sober research. It started off promisingly with the famous Berle memorandum, postponement of hearings for six months pending completion of its field investigations, interim conferences with business leaders, a sound publicity policy of "fact-finding," and a novel "economics seminar" for the Committee members

at the first hearing, conducted by Leon Henderson, Isidor Lubin, and Willard Thorp. Unfortunately thereafter, the disclosures of concentration and control in industry after industry were too successful. The Committee, aided perhaps by the omnibus character of its terms of reference, lost sight of its mission as envisaged by the President's message, and became in its own eyes almost wholly a "Monopoly Committee," from which it tried to escape by assuming the rôle of an impartial researcher without purpose except to find facts. At any rate, after three years, the Committee's *Final Report and Recommendations* boiled down to a few resolutions recommending procedural improvements in patent administration and budgetary strengthening of the Justice Department's anti-trust division, which were, in the words of Charles A. Beard, a "snap at the heels of business." *Business Week* called the report a "colossal dud." To Mr. Lynch, the Committee's failure lies in its rejection, without analysis, of the Administration's hypothesis that the anti-trust laws were, by themselves, no solution; they represented the negative "policing" aspect of the problem of industrial concentration, to which positive approaches should be sought through programs in the fields of savings and investment, fiscal policy, taxation, public works, social security, and employment relations.

Mr. Lynch finds that five major factors (disregarding the approach of war) explain the inadequate performance of the T.N.E.C. These were: its pluralistic structure (three Representatives, three Senators, and six representatives of executive departments and agencies; the fifty per cent turnover among the Committee members and executive directors; lack of the effective leadership that characterized the insurance (1905), finance banking (1913), and stock market (1933) investigations; the multiplicity of problems accepted by the Committee for study without any unifying policy objective; the disinclination of the Committee to constitute itself a deliberate body to formulate programs or objectives for remedial action. He does not say whether or not any of these obstacles could have been avoided. He leaves the inference clear, however, that, apart from serving as the center of a great forum of discussion and debate, the T.N.E.C. left its job largely undone, to be carried on by the ill-fated National Resources Planning Board, later by the Office of War Mobilization and Reconversion, and again by Congress, beginning with the Full Employment Act of 1945.

AVERY LEISENSON.

University of Chicago.

Cartels In Action. BY GEORGE W. STOCKING AND MYRON W. WATKINS.

(New York: The Twentieth Century Fund. 1946. Pp. xii, 533. \$4.00.)

Controlling World Trade. BY EDWARD S. MASON (New York: McGraw-Hill Book Company. 1946. Pp. xvii, 289. \$2.50.)

Postwar reconstruction brings again to the fore problems of inter-

national cartels, viz: Can American business compete with foreign cartels in international markets? Can it withstand their competition in our domestic market? Can American business sell to them (and buy needed materials from them) at reasonable prices? Should Congress permit American business to participate in "supervised" private or intergovernmental cartels? What should be done with German and Japanese cartels now under American control? What should be our policy toward our own cartels, for example, aluminum? Are patent license agreements to be accorded special treatment on the ground that they encourage trade?

Cartels In Action is the first of three volumes prepared by Professors Stocking and Watkins with the aid of a research staff. It is a "case book" containing a factual account of the origin and operation of cartel agreements in eight fields: sugar, rubber, nitrogen, iron and steel, aluminum, magnesium, incandescent electric lamps, and chemicals. A second volume, to appear in a few months, will evaluate methods and economic effects of cartels and will contain conclusions and recommendations. The third and last volume in the series will deal with problems of domestic monopoly.

Of eleven chapters comprising the present volume, Professors Stocking and Watkins devote one chapter each to the eight fields listed above, except chemicals, in which case three chapters are presented. Industries were chosen to show the wide range of economic activities subjected to cartel controls. They were selected also to illustrate diversity of circumstances in which cartels originate, and differences in their power, structure, objectives, methods, and results. The eight fields comprise a representative cross-section of the cartel movement, for example, agricultural products (sugar and rubber), raw materials (nitrates and rubber), intermediate goods (iron and steel, aluminum, magnesium, and chemicals), and finished products (electric lamps). Cartels based on agreements between numerous independent producers whose methods of production vary widely (sugar and nitrates) are presented in contrast with those resting partly on financial connections of a few large enterprises (electric lamps and aluminum). Devices used in the past to make cartels effective included export restriction programs (sugar and rubber) backed by the respective governments and administered by international committees. No direct control over prices was exercised. In contrast, the steel cartel was a complicated federation of enterprises regulating both exports and prices. It employed joint sales agencies and division of territory, and obtained stability in world markets by means of export quotas, with penalties and compensations for over- or under-selling.

Controlling World Trade is the thirteenth in the series of research studies of the Committee for Economic Development. Professor Mason divides his volume into two parts: (1) international business cartels, and (2) intergovernmental commodity agreements. The complexity of both types is

admirably stressed, and the methods of their operation through export quotas with or without attendant controls of price, production, and stocks are clearly indicated. Professor Mason defends the thesis that when international controls are necessary they should be intergovernmental in character. He is well aware of the objectionable practice of utilizing government merely as a cloak for the special interests of organized producers. He regards cartels and commodity agreements as tools for postwar international trade, to be employed only where required. His volume is not primarily a "case" study. The conditions giving rise to cartels are treated more briefly, and greater stress is placed upon appraisal of their rôle in the future. Readers will value two sections of recommendations as a contribution to policy discussion in this field. They will also appreciate the author's well integrated treatment and his capacity for critical evaluation. He includes an important chapter of the State Department's "Proposals For Expansion of World Trade and Employment," and his discussion of these proposals at appropriate points in the book is an outstanding feature.

Both volumes are skillfully executed, evidencing professional competence of the highest order. A third should be mentioned here, namely, Charles R. Whittlesley's *National Interest And International Cartels*. Regular readers of the REVIEW may wish to refer to William Y. Elliott's *International Control in The Non-Ferrous Metals*, reviewed in June, 1938, p. 568; Ervin Hexner's *The International Steel Cartel*, reviewed in August, 1943, p. 758; and Wendell Berge's *Cartels: Challenge To A Free World*, reviewed in December, 1944, p. 1240. Attention was also brought to problems in this field by Gunther Reimann's *Patents For Hitler*, and by Borkin and Welsh's *Germany's Master Plan*. Concentration of economic power in the United States, as distinguished from international aspects, is stressed in titles listed in the *American Economic Review* for December, 1946, pp. 938-942. One of the most complete recent bibliographies will be found in *NAM Looks At Cartels*, November, 1946, by the research staff of the National Association of Manufacturers.

EDWARD W. CARTER.

University of Pennsylvania.

Elements of Public Administration. EDITED BY FRITZ MORSTEIN MARX.
(New York: Prentice-Hall Incorporated. 1946. Pp. xxiv, 637. \$5.00.)

This treatise consists of a series of chapters written by a group,¹ the majority being or having been on the staff of the United States Bureau of

¹ The "team," as the writers call themselves, are James W. Fesler, George A. Graham, V. O. Key, Jr., Avery Leiserson, Milton M. Mandell, Harvey C. Mansfield, John D. Millett, Fritz Morstein Marx, Don K. Price, Henry Reining, Jr., Wallace S. Sayre, Donald C. Stone, John A. Vieg, and Dwight Waldo.

the Budget. Some of the writers also served on the staff of the President's Committee on Administrative Management. It is not surprising, therefore, to find that their views on public management are impregnated with the philosophy of the President's Committee. The necessity for integrating all administrative services in the departmental structure, the conferring on administrative officials of wide discretion unshackled by annoying legislative prescriptions, the relegation of the legislative process to a statement of broad policy and the enacting clause, the exercise of the accounting function by the executive, and the placing of the central personnel agency in the office of the Chief Executive, are considered among the obvious imperatives.

Penetrating chapters on topics not usually included in an elementary text on public administration embrace such subjects as the social function of public administration, planning and administration, informal organization, the essentials of responsibility, and the tasks of middle management and of supervision.

Within the limits of a review, it is possible only to touch briefly upon the contributions of some of the writers. The essential postulates of the social function of public administration, Fritz Morstein Marx states, are "that the service state is democracy brought up-to-date; that the extension of direct and indirect public control aims at the assertion of democracy in the nerve centers of modern industrial society; and that modern industrial society can endure in relative freedom only through such assertion." Dismissing the view of a "conflict between planning and operations," John D. Millett deems planning to be the "first responsibility of management." The task of the planner is to "weigh all possible alternatives" in preparing plans, making it clear, however, that "he is not the official responsible for determining policy," but nevertheless assisting "in showing the grounds which make a program desirable." Harry C. Mansfield and Fritz Morstein Marx discuss "informal organization" in terms of "internal ambiguities" which most organizational charts fail to reveal. The tasks of "middle management," Fritz Morstein Marx and Henry Reining suggest, are concerned with "the most critical sectors of management in large-scale organization"—the "intermediate ranges of command." And Dwight Waldo thinks of government by procedure, not as a complex of statutory regulations, but rather as "the prescribed or customary way of working together in the conduct of an organization's business."

Brief attention is paid to administrative practices on the state and local levels; the illustrations are taken primarily from the national administration. There is an ubiquitous adulation of administrative management and of federal administrators in Washington with the advent of the New Deal, to the extent that both were not stymied by vindictive legislative interference.

It is as a text-book, however, rather than as a contribution to thinking about public administration, that the book must be finally tested; for the writers dedicate the treatise "to our students, perpetual prompters of thought." In spite of a certain abstruseness and repetitiousness, some evidence that the "team" pulls in opposite directions at times, and an occasional indulgence in verbal pyrotechnics as each writer pursues some facet of management particularly attractive to him, the persistent student will leave the discourse with a clearer insight into a society run by public administrators. Each chapter is divided into headings which will serve as a basis for stimulating class discussions and will assist students in following the thread of the discourse. Furthermore, the teachability of the book is enhanced by the arrangement of the table of contents in the form of topics affording an opportunity to the instructor to develop incisive questions with the end in view of providing a synthesis of the administrative process.

GEDDES W. RUTHERFORD.

Queens College.

Law and Contemporary Problems; International Trade Barriers. BY THE DUKE UNIVERSITY SCHOOL OF LAW. (Durham: Duke University Press. Vol. XI, No. 4, Summer-Autumn, 1946. Pp. 219. \$1.00.)

Law and Contemporary Problems (Professor Brainerd Currie, editor), published by the Duke University School of Law, has become a highly-regarded journal because of its symposia. Recent issues are devoted to various aspects of enemy property, the financing of small business, and aviation transport; and a wide range of legal, social, economic, and administrative topics and problems have been the concern of this publication since its inception. Subjects are dealt with by authors of special competence. The issue here reviewed is under the special editorship of Professor Elvin R. Latty, and it maintains the high standard of past numbers. It is, indeed, particularly pertinent at this stage of postwar international economic readjustment.

Both from necessity and because of the wish to concentrate on legal framework and other aspects, the present symposium does not develop some of the familiar aspects of and approaches to the broad subject of its title. For example, discussion of the arguments of free trade versus protection is avoided. Taking the view that ("for better or for worse, probably the latter") a return to Manchester liberalism is not in prospect, the editor and authors come to grips principally with trade barriers actually existing, and why; with prospects of further restrictions to be anticipated (especially from nations tending to set up socialized economies); and with what we might call the "practical dynamics" of international trade from the point of view of active business, i.e., rights involved and techniques of meeting restrictions on trade, actual and prospective.

Many of the contributors are practicing lawyers, most of them engaged

in one way or another in dealing with problems touched upon or exemplified here; but the economics and politics of this large field are well integrated in most cases into the analysis of the legalistics of foreign trade. Special international trade problems constitute the bulk of the articles. There are two contributions, however, which at least in part can be said to focus attention on what may be called "interests," rational processes, "outlook," international morality, etc., as related to the broad problem of national aims and foreign trade. These are the first article, entitled "Analysis of National Aims and Interests in Trade," by Floyd M. Riddick and Joseph W. Romita, of the United States Chamber of Commerce, and the concluding article, by Professor Edwin Borchard, of the Yale Law School, under the somewhat inadequate title of "Protection of Foreign Investments."

Other contributions, with authors, are: "Some Aspects of the Commercial Treaty Program of the United States—Past and Present," by Austin T. Foster; "Restrictive Business Practices in International Trade," by John E. Lockwood and William C. Schmeisser, Jr.; "Cartels as Barriers to International Trade," by Wendell Berge; "Legal Treatment of Foreign and Domestic Creditors," by Kurt H. Nadelmann; "Some Restrictions Abroad Affecting Corporations," by Phanor J. Eder; "Limitations Abroad on Enterprise and Property Acquisition," by Dudley B. Bonsal and Milo A. Borges; "Direct Foreign Investment in Undeveloped Countries: Some Practical Problems," by Alexis Coudert and Asher Lans; "Tax Inducements to Foreign Trade," by Mitchell B. Carroll; "Some American Discriminations Against Foreign Enterprises," by Marcel Singer; "Import and Export Controls," by Kenneth S. Carlston; and "Arbitration in the Settlement of International Trade Disputes," by Morris S. Rosenthal.

J. WILLIAM ROBINSON.

Purdue University.

Making International Law Work. BY GEORGE W. KEETON AND GEORGE SCHWARZENBERGER. (London: Stevens and Sons, Limited. Second edition. 1946. Pp. x, 266. 12s.6d.)

The first edition of this book appeared in 1939. In the main, the substance of that edition is retained in the present revision. The principal changes appear to be the consolidation of several chapters dealing with the League of Nations and the inter-war period into a single chapter on "The Failure of the League Experiment"; the addition of two chapters entitled "A New Start" and "The Prospects for International Law," wherein the United Nations Organization and the outlook for international law within the framework of that system are evaluated; and the development of an enlarged and masterfully written final chapter, "The

Problem Today: National Sovereignty *versus* World Order." The latter is in effect a synthesis of views and conclusions contained in the earlier parts of the book. An index also has been added, and eight international instruments of prime significance, including the UN Charter and the Statute of the International Court of Justice, have been included in appendices.

As regards both style and scholarship, this is a book of high caliber, worthy of favorable comparison with, say, Brierly's *Law of Nations*. It begins with a concise account of the breakdown of the medieval system with its "one-world" conception of a united Christendom, and of its replacement by the modern "society" of sovereign, independent states. In that "society," as distinguished from a "community," the authors assert that self-interest and self-preservation are the fundamental principles governing the relations between states and prompting them to practice power politics. In short, "it is a typical society ultimately governed by the rule of force" (p. 28). Within that framework, international law, posited on the doctrine of state sovereignty, has, except as to certain matters relatively unaffected by the rule of force, actually served as the handmaiden of that rule rather than as a check upon it. The League of Nations, whatever may have been its potentialities, effected no essential changes in the system. And, although embodying certain definite improvements as compared to the League, the United Nations Organization, too, is at best but a piece of "machinery through which nations can build up the habit of coöperation for the peaceful development of the earth" (p. 179). Thus, even now, "the foundations of international law remain as dubious as they ever were, unless comfort is derived from the decreasing numbers of really sovereign states or from the increase in the destructive powers wielded by the super-Leviathans" (p. 121).

For the authors, the only satisfactory solution to the problem posed in their title is, therefore, to abolish international law and to replace it with the municipal law of a federal system of world government. "There must be merged in a world government that part of the sovereignty of every state which entails control over weapons of war and the conduct of its foreign policy. We must contemplate nothing less than the establishment of a world legislature, directly responsible to the peoples of the world, a world police, a world judiciary—and a world law. . . . And the time in which these changes must be achieved is short" (p. 176).

That law and sovereignty are incompatible, and that world government is, *logically*, the only possible basis for a real world order based upon law, are views certainly no longer regarded as heretical—even among practicing statesmen. Nevertheless, sovereignty is not a mere unfortunate fiction of the law to be readily swept aside by force of logic alone. It is, rather, an expression in law of attitudes and sentiments deeply rooted in the minds

and prejudices of peoples. This Keeton and Schwarzenberger plainly recognize when they assert that "the habit of coöperation itself involves a change in national attitudes toward world problems, and in the last resort changed national attitudes involve corresponding changes in individual attitudes toward world problems" (p. 179). How is that change to be wrought? Their answer is, by "an educational process" (p. 179); and undoubtedly their book is a valuable contribution to that process. The authors do not, however, make clear how that process can successfully operate when, in large parts of the world, the free exchange of ideas is not permitted. Nor do they suggest means for reconciling the inevitably slow process of education with the need for haste which they assert has been imposed by scientific developments in the field of atomic energy.

VALENTINE JOBST, III.

University of Illinois.

Where Are We Heading? BY SUMNER WELLES. (New York: Harper and Brothers. 1946. Pp. 397. \$3.00.)

There are few persons more competent than Sumner Welles to write a survey of current American foreign policy. His training, his experience, his knowledge and sense of history, his grasp of fundamental values, his coldly logical mind, his restraint and objectivity in critical judgment—these qualities have made it possible for him to produce in this book one of the very best critical accounts of recent and current developments in our foreign policy. In seven chapters, he deals with the general progress toward world order, the problems and methods of peacemaking, European reconstruction, relations with Latin America, the clashes in the Near East, the upsurge of nationalism in Asia, and a general summary of our achievements and failures in foreign policy. Altogether, the book is an admirable supplement to his *The Time for Decision*, published in 1944.

With respect to the development of the United Nations, Mr. Welles gives a detailed account of events, beginning with the story of the Atlantic Charter. In this account he reveals a good deal not generally known about the attitude of President Roosevelt and about the procedure and policies of the American government, particularly of the State Department, in the gradual formulation of an American version of a world organization, and in the final drafting of the Charter at San Francisco. The active preparations began in April, 1942; they were under the immediate direction of Welles as under-secretary, although later Hull himself took the chair at some committee meetings; the spadework of collecting and analyzing information, preparing memoranda, and formulating tentative proposals was done by a fairly large secretariat, some loaned by the Council on Foreign Relations, many recruited from the universities (economists, historians, geographers, political scientists), a few from the

permanent rolls of the State Department and other agencies; subcommittees examined these memoranda and proposals, and prepared plans of organization; top committees in turn reviewed these plans, formulated policies, and approved the final drafts.

The problems were approached along three lines—those relating to the peace settlements, those relating to economic and financial policy, and those relating to international organization and security; and it was with this last group that Welles himself was most active and most continuously associated. Probably his most notable achievement was quietly to bring into this preparatory work the leading members, representing both political parties, of the Senate and House Committees on Foreign Relations and Foreign Affairs—"Welles' Sunday school class," as the newspaper men called it when they learned about it. At an appropriate time, he also brought in certain top-ranking Army and Navy officers, especially in working out the general policy and the detailed plans in respect to security. Although Welles himself was the moving spirit in all of these preparations, he does not fail to give due credit to others, and he mentions particularly the work done by Isaiah Bowman, Norman Davis, Myron C. Taylor, James T. Shotwell, Clark M. Eichelberger, Hamilton Fish Armstrong, and Ann O'Hare McCormick. Welles was careful to consult with President Roosevelt on every point, and had the President's warm approval and support. It must have been a heartrending thing for Welles, with these preparations for world order essentially completed under his leadership, to leave the State Department and leave to others the credit for the final drafting of the Charter at Dumbarton Oaks and at San Francisco. Certainly those who worked with him and under him during the preparatory stages regretted his departure and felt his absence keenly during these later stages.

Welles himself has mostly praise for the Charter, although it is not completely the Charter he would have written; in fact, he reviews again his own pet ideas of regional organizations to have the primary responsibility for the maintenance of peace, although within a universal framework; of regional representation in the Security Council, with representation of individual states only for the Great Powers; of a modified veto; and of headquarters established within the territory of a small Power (he seems to prefer the Azores), instead of in New York. He has some sharp criticism of certain actions at San Francisco on the part of the American delegation, notably in respect to Argentina and other Latin American problems; he refers to Stettinius as a man of good intentions, but "devoid of any knowledge of international relations or even of modern history, and lacking the personal qualifications desirable in so high an office"; but in general he shows no jealousy of those who brought to fruition what he had so vigorously championed and so admirably planned, but only a keen

desire to see the United Nations intelligently organized and successfully operated. It must be added that Welles was, when he wrote this book, somewhat disillusioned and discouraged on that score, but still hopeful.

With respect to Welles' treatment of the several other problems considered in the volume, there will be those who will differ with his point of view, but there ought not be many to dispute the excellence of his general analysis. He is critical of Russia, but he is also critical of the United States and of the Great Powers generally; he deplores the tendency to blame "the tragic collapse in peacemaking" solely on Russia, and he pleads strongly for, and makes suggestions how to secure, an understanding between Russia and the Western Powers in order to avoid the alternative of "international anarchy." On France, on Germany, on Italy, on Poland, on Greece, on Yugoslavia, on Austria, on Palestine, on India, on China, on Korea, on Japan, and especially on Latin America, Welles has rather decided views, but he arrives at them only after a careful and generally convincing discussion of the problem in each case. Throughout there is special emphasis on the policy of the United States. With respect to that policy, Welles is critical but understanding, somewhat too much the career diplomat in his approach, but nevertheless stimulating in his review of developments. The book is not written as a conventional text-book, but it might well be used as a text in college courses on recent American foreign policy. There is nothing better at this time.

CLARENCE A. BERDAHL.

University of Illinois.

The Russia I Believe In; The Memoirs of Samuel N. Harper, 1902-1941.

EDITED BY PAUL V. HARPER, WITH THE ASSISTANCE OF RONALD THOMPSON. (Chicago: University of Chicago Press. 1945. Pp. 279. \$3.50.)

It is always sad to review a posthumous work—and especially sad in the case of Sam Harper, whose tireless vitality, unflagging enthusiasm, and bubbling joy of living brought so much happiness and inspiration to his many students and friends, including children for whom he showed genuine affection and understanding. This book is based on Harper's unfinished memoirs, on which he was hard at work during the war years in his spacious and friendly Chicago home, where one invariably could hear intelligent and fair-minded talk about Russian affairs. It will always be a matter of regret that Harper died before he had time to complete his memoirs, and to review his lifelong analysis of Russia in the light of post-war developments. But his brother, Paul V. Harper, performed a real public service by editing, with the assistance of one of Harper's students, some of the notes, letters, and papers accumulated during a period of more than forty years of Russian travel and study. Although the collection

necessarily is fragmentary, it conveys a good deal of the author's robust and optimistic spirit, and contains many penetrating comments on Russia both before and after the Bolshevik revolution—that mighty watershed in the country's modern history.

To the task of studying Russian affairs Harper brought many valuable assets: an intense interest in the Russian people, first aroused in him, as he points out in an amusing first chapter, by his father, president of the then recently established University of Chicago, described by some as "a dynamo in trousers"; knowledge of the Russian language; long association with a distinguished British student of Russian affairs, Sir Bernard Pares, who contributes a foreword to this volume; acquaintance with Russia not only since 1917, but also in Tsarist times, with the result that he was able to see the revolution, as few have done, in perspective; and the considered judgment of the trained historian, which he did not permit his sympathy for Russia to warp, even at the most critical moments in Russo-American relations.

Harper's observations on the operation of the first Duma, which he witnessed in 1906, would have dispelled many dangerous illusions about Russia had they been carefully studied by Western statesmen at that time. He mentions how pleased he and Pares were "that our institutions were being introduced in another country," but were "sobered considerably" by the reluctance of the Duma to come to grips with the fundamental land question, and "were forced to realize more clearly the peculiar social-economic conditions under which our Western institutions were being introduced." He noted that the Tsarist government was unwilling to give the Duma anything more than a formal existence, and was aware of the profound revolutionary ferment at work in Russia, saying prophetically: "With all reserve, this movement will some day be of as great historical importance as the French Revolution." He pointed out the political inexperience and lack of courage of Russia's all-too-small group of liberals, adding this shrewd comment: "Milyukov and his party are in a blue funk—they are playing a ticklish game, trying to keep in with the radicals and yet not become radical themselves."

With the historical background he had acquired by frequent periods of study in Russia before and during World War I, Harper was able to avoid the mental gyrations displayed by many other Western observers in the turbulent quarter of a century of Soviet rule. He made an outstanding contribution to the study of Soviet political methods in his books on the government of the Soviet Union and on civic training in Russia—"making Bolsheviks," as he called it. At a time when other Americans fell into the error of exalting Russia as a new Utopia, he pointed out that the "terrible" tempo of the first Five-Year Plan was "responsible for the food and goods shortage and also for the rigidity of political control" of the early 1930's.

He did not hesitate to say, while other observers waxed lyrical over Soviet planning, that the Soviet government, in its Five-Year programs, was actuated in the first place by political and military considerations. "This fact," he wrote, "led me to the conclusion that, to date [the 1930's] there had not been any really scientific economic planning."

This same fairness of judgment, however, caused him to point out in subsequent years that the Soviet Union was beginning to make material and cultural progress; that the young generation, at least, felt hope and enthusiasm about the Soviet system; that the 1936 constitution promised greater flexibility and tolerance in political affairs. He did not condone the purges of the middle 1930's, but he understood the reasons why Stalin wanted to eliminate much of the old party leadership among the Communists. Instead of denouncing the Soviet-German pact of 1939, as some of the earlier enthusiasts about Russia did at that time, he calmly pointed out the reasons for Moscow's decision in a brief analysis which should be carefully re-read at the present time, when again many accusations are directed against Russia on the basis of inadequate evidence or even sheer emotional reaction. The last fifty pages or so of this volume are full of common-sense observations on Soviet foreign policy which make one regret once more that Harper did not live long enough to aid the United States in unraveling some of its problems with Russia after World War II.

But Harper himself had no illusions about the nerve-racking aspect of trying to understand Russia in these rapidly changing times, and of interpreting it to Americans. Writing in 1936, he says frankly: "... one can get fed up with this darn Bolshevism. If I did not have the farm to which I can go every now and then and fight the weeds, I would find it difficult to keep the balance and at the same time recognize what has been accomplished. When I get my political textbook done, I shall be tempted to go back to history—and way back to the earlier periods, about which it is easier to come to conclusions." These moments of discouragement, however, did not last long. Visiting Russia on the eve of World War II, he wrote: "I found the situation better than I had expected to find it—less tense politically and less tight economically." And his innermost convictions were expressed in a touching sentence written in Warsaw in June, 1939: "These forty-eight hours of bourgeois luxury have been pleasant—for the body and stomach at least—but in mind I feel already bored. Fact is I'm homesick for the more real life of Sovietism." The outstanding contribution of Sam Harper's career as teacher and writer was his success in helping others to learn how to look for the "real," whether good or bad, in Russia, behind the façade both of Russian propaganda and of Western denunciation.

VERA MICHELES DEAN.

Foreign Policy Association.

The Soviet Impact on the Western World. By EDWARD H. CARR. (New York: The Macmillan Company. 1947. Pp. viii, 113. \$1.75.)

This slender volume is a truly significant contribution to the understanding of one of history's decisive developments. Written with calm detachment, the book provides a timely corrective for both the passionate denunciation and the unstinted praise of the Soviet Union with which less objective writers have confounded the issue. Professor Carr's matter-of-factness, the incisive acumen with which he unerringly goes to the core of problems, and the historical insight with which he assesses the import of salient developments, combine to make his approach eminently sophisticated. At the same time, the author's well-known gift of simplification and his clear style make the book very readable.

There is none of the dogmatism that characterizes the "system-maker" in Professor Carr's analysis. He cautions that the relation between cause and effect in history is problematical. He also admits the possibility that certain "Western events or tendencies were not the effect of Soviet example, but that some remote cause was producing similar effects successively in different countries." He points out, however, that Soviet experience may "still be significant and suggestive for much that is happening or seems likely to happen in the West." Subject to these qualifications, Professor Carr sets out to show, "not the merits or demerits of the Soviet achievement, but the extent of its significance for Western civilization."

Actually he does much more than that. Preliminary to his analysis of the political, economic, social, and ideological influences of the Soviet Union on developments abroad, and its impact on international relations, Professor Carr succinctly explains in each case the underlying ideas and their Western roots, as well as the aims of Soviet policy and the methods and institutions employed in carrying them out. While Professor Carr—unlike the "Friends of the Soviet Union"—recognizes casuistry for what it is, he never dismisses the official rationale of Soviet policy as mere make-believe. Instead, he explains the real underlying intent and shows to what extent practice approximates the avowed purposes. In so doing, the author does not resort to the usual sophistry of judging Soviet performance by standards implicit in the Western connotation of such terms as democracy and freedom. Moreover, he does not consider Soviet intentions and policy inscrutable because such terms, in Bolshevik usage, have a meaning divergent from that accepted in the West.

In his concluding chapter, Professor Carr expresses the view that, seen "in the broadest historical perspective," and "irrespective of the validity of the doctrines which it promulgated," the Bolshevik revolution may well be "one of the great turning-points in history." "The impact of the Soviet Union has fallen on a Western world where much of the framework of

individualism was already in decay." He also warns against the assumption that Bolshevism is a "specifically Russian phenomenon without significance for Western civilization."

Raising the question as to how the West can "best meet the challenge presented by the Soviet impact," Professor Carr points out that, in so far as "the issue is one of power, it will depend on the rival strengths, military and economic, of the competitors." More decisive than power probably will be the decisions of peoples who have not yet chosen between Western democracy, communism, or an intermediate system. A great deal will depend also on the indirect support given to the Soviet Union by disaffected members of Western society who regard some Bolshevik ideas as suitable remedies for its shortcomings. If this be true, much will depend on the respective economic achievements and social programs of democracy and communism. "The fate of the Western world will turn on its ability to meet the Soviet challenge by a successful search for new forms of social and economic action in which what is valid in individualist and democratic tradition can be applied to the problems of mass civilization."

HENRY JANZEN.

Pennsylvania State College.

La Politique des Partis sous la III^e République. BY FRANÇOIS GOGUEL.
(Paris: Éditions du Seuil. 1946. Two vols.: Vol. I, 1871-1932, Pp. 423;
Vol. II, 1933-1939, Pp. 350.)

These volumes are a moving political document. Written in a German camp during the captivity of their author, they testify to the searching inquiry undertaken by the younger generation into the causes of the political conflict which, even today, divides France. Starting on a somber note, the author ends by expressing the hope that, through a revolutionary change in its economic structure, France can again find a common basis for its political life.

Goguel writes around the central theme of the fundamental division of France under the Third Republic between two political tendencies, which he chooses to call the Party of Movement and the Party of the Established Order. These, and not Siegfried's Left, Center, and Right, were the fundamentally opposed political groupings: a party moving towards the progressive liberation of man and assuming constant change as its principal tenet; another party, essentially conservative, and loath to give up the sum total of political and economic relationships existing at any one time. The remarkable thing about this division was that the relative strength of the two parties remained unchanged throughout the lifetime of the Third Republic. According to Goguel, in 1877 the candidates of the party of the Established Order (followers of MacMahon) obtained forty-five per cent of the total vote. In 1928, the candidates of the same party

(followers of Poincaré) obtained 44.56 per cent of the total vote. In half a century, the variation had been less than one-half of one per cent. This is a record of stability without a parallel in any other country in the world.

The Party of Movement links the Jacobin tradition of the Revolution with the radicalism of the nineteenth century, the socialism of the early twentieth century, and the communism of today. To it belong the lower middle classes, the industrial workers, and a good many of the southern peasants, who, having been used to the ownership of their land since Roman times, consider it as natural as rain or sunshine and think nothing of joining extreme political groups, only for the sheer excitement of it, of course, and without any thought of allowing them to tamper with their inviolable property rights. To the party of the Established Order belong all the conservative groups, the upper bourgeoisie, but also workers and large masses of peasants, especially from the east and west, who, having only recently secured their property rights, and still fearful about the continuation of these, cling to those groups which are on the side of the status quo.

This analysis has a good deal of validity and is fortified by a penetrating historical review of the period under consideration. That the political division outlined by Goguel has also meant the irreconcilable antagonism which he seems to consider an essential feature of French politics may, however, be doubted. The antagonism described by Goguel is a destructive one, with each party trying always completely to destroy the other in the hope of gaining a permanent ascendancy. French political life is said to be characterized by a relentless logic which refuses to accept compromise (as the Anglo-Saxons do) as a vital ingredient of human relations. Anyone who has watched French politics at work would seem to be bound to admit that not everything was intrigue and double-dealing, but that, until recently at least, the search for compromise and reciprocal toleration was ever-present.

On another score, the rigidity of Goguel's conceptual framework does not seem to stand up under the test of political reality. He himself has to admit that the majority which the Party of Movement obtained in 1924, 1932, and 1936 broke down every time within two years of the elections as a result of the cleavage between the Radical Socialists and the Socialists, groups both belonging to the Party of Movement. The reason was clear: the common political ground joining the Radical Socialists to the Socialists was not enough to conceal the deep gulf separating them on economic grounds. Their common appeal to a "lay state" proved an empty and obsolete slogan, inadequate to face the new economic problems which were leading the Socialists to press for the nationalization of industry, while the Radical Socialists remained attached to the liberal economic order.

Looking at the future, Goguel strives hard to find a common denominator for the two tendencies. He feels that it may be said to exist in a common mysticism which gives the highest place among all values to the personality of man. He is satisfied that both the Party of Movement and the Party of the Established Order consider the individual human being the core of society, and that to its perfection and freedom everything must be subordinated. He believes also that both tendencies have deviated to some extent from their adherence to this mysticism of the human person, but that the Party of the Established Order is more guilty than the Party of Movement in this respect. Too often and too much have authority, power, and property been defended as good in themselves and not as mere subsidiary instruments for the development of human dignity and welfare. Today the hope of France may lie in the restoration in both parties of a renewed common fund of humanistic feelings. This can be achieved only by the workers, since the middle classes must be considered as no longer adequate to the task. It is the popular *élite* which must create the new political class.

If tomorrow a bridge can be built between the Party of Movement and the Party of the Established Order and today's awful feeling of latent civil war be done away with, this will be only because the capitalistic structure of France has been to a large extent abolished, Goguel concludes, without being apparently aware of the new tensions and dangerous issues which would thus have to be faced and solved. He is convinced that the Third Republic spent too much time on politics and too little time on technical and economic problems. Politics divide, while technique unites. In a truly humanistic socialism, France may find the basis for peace and progress and freedom. The goal is enticing. It is a pity that Goguel is generally silent on the means which can effectively lead France to that elusive goal.

MARIO EINAUDI.

Cornell University.

Democracy in France: The Third Republic. BY DAVID THOMSON. (New York: Oxford University Press. 1946. Pp. 283. \$4.00.)

Mr. Thomson's *Democracy in France* will be welcomed by students and teachers of comparative government. It is an excellent short study of the working of democratic institutions under the impact of complex psychological and social forces. The author shows a thorough knowledge and sympathetic understanding of France's history. He has a flair for the nuances of political thought and knows how to get at the fundamentals, in ideas as well as in economic and social factors. His choice of sources is discriminating, his analysis both stimulating and sound.

The arrangement of the book is primarily logical. It treats successively

the revolutionary tradition, the class structure of French society, the democratic instrument, and the main issues and crises that faced the Third Republic. It ends with a brief account of the Vichy government and the birth of the Fourth Republic. A fine bibliography and an appendix presenting some important documents in English translation are valuable additions.

France's democratic institutions, in spite of their "immense elasticity"—and in spite of the positive accomplishments of the régime—did not, concludes the author, provide for the corrective of stabilization needed in an unstabilized society. Nor could they provide for the necessary adjustments to the economic and social problems of the twentieth century. "From the 'revolutionary tradition' modern France inherited a double 'geological fault' which ran through her social life and her political structure: the conflict between liberty and equality as ideals and the gap between democracy and government." The notion that more government meant less democracy, that freedom and authority were irreconcilable, explains the fundamental weaknesses of French democracy: the conflict between the sovereign state and the sovereign individual and the resultant conflict between the sovereign executive and the sovereign legislature.

Unlike the British and the Americans, the French lacked general agreement as to the fundamentals of the régime itself. The author shows how the counter-revolutionary forces presented a constant danger, forcing the republicans to spend their energy resisting rather than constructing. Timely adjustment of institutions to new needs was made impossible. Fear of autocracy led many democrats to insist on an anarchical concept of freedom at the expense of good government, and as the synthesis of freedom and authority could not be achieved, that of freedom and equality was obviously out of the democratic reach. We might say the chief paradox is that French love for security and order was more than anything responsible for insecurity and disorder. Stubborn opposition to change made for aggressiveness on the part of the Left, for a strong revolutionary temptation which could only reinforce the authoritarian bias of many conservatives. In these conditions, only "half-hearted compromises were reached, of which the fruits were usually 'too little and too late'; and these were only "compromise without tolerance."

In his discussion of foreign policy between the World Wars, Mr. Thomson mentions the "overburdening of France," the nation's incapacity to fulfill the undertaking it had assumed. He perhaps goes too far in stressing the fatality of France's defeat: "It is probable that after the remilitarization of the left bank of the Rhine in 1936, the defeat of France was inevitable should war break out." It could be answered that, with the help of the Soviet Union, France could still have kept the initiative which it later lost to a pacifist Britain and could successfully have opposed further

German aggression. The fact that Soviet help was not wanted is another matter, but one that deserves some consideration.

It is not possible to do justice to Mr. Thomson's able and compact survey in a brief review. Faced with the complexities of French political thought and behavior, he has been able to clarify without over-simplifying.

C. A. MICAUD.

University of Virginia.

The Chinese Family and Society. BY OLGA LANG. (New Haven: Yale University Press. 1946. Pp. 395. \$4.00.)

Population in Modern China. BY TA CHEN. (Chicago: University of Chicago Press. 1946. Pp. 126. \$2.50.)

Olga Lang was originally trained in Russian demographic methodology. This was supplemented by studies in America, and finally by observations on the spot in China. Her presentation of the configuration of the predominating social unit of China, the family, is thus highly systematic. For material, Miss Lang ingeniously utilized in part the social patterns presented by early Chinese novels as well as current fictional literature. Authentic Chinese viewpoints are thus captured which would otherwise escape the foreign observer. While the study is doubtless the most exhaustive yet made, limitation to questionnaires or hospital records suggests the difficulty of broad generalizations on China's familial and social structure. Due to the vastness of the land, the diversity of urban and rural conditions, of climate, food, level of subsistence, degree of exposure to Western industrialization, and other influences, no over-all study has yet been possible. This must wait upon the compilation of reliable governmental statistics covering every region of China.

The Chinese family is briefly presented first in its historical structure and functioning in old China. Its climate was an Oriental despotism with free peasants as the wealth-producing class and a powerful bureaucracy as the rulers. The latter, concentrating power in a small group, were concerned only with two essential functions, land irrigation and flood prevention. Industry was not encouraged by the government, which looked only to taxation of agriculture for its income. A vicious cycle of an exacting landlordism powerful enough to avoid payment of taxes, resulting in an impoverished exchequer and an exploited peasantry, invariably led to dynastic overthrow. The new dynasty usually began by redistributing the land, only to invite in time a new agrarian crisis according to the stereotyped pattern. Under the circumstances, demand for farm lands stimulated growth of population, fixed to the land, with Confucian ideology intensifying the stagnant character of Chinese civilization.

Properly enough, the bulk of the book is devoted to the family, both rural and urban, in contemporary China. This presents the traditionalized

familial structure, but functioning in the new economic and social environment produced by the infiltration of foreign influences. Many of these impulses are indirect, but they nevertheless produce profound consequences. The old family is under attack with the most obvious social effect, as is usual, upon the status of women. Lessening of parental intervention in the selection of a spouse, opposition to concubinage, the unprecedented independance of girls who are factory wage-earners, the passing of the traditional deference of youth toward elders, are shown as features of an almost catastrophic change. However, in this widely authoritative study, which presents the most complete picture of China's changing societal structure today, the author is led to conclude that for China "a new pattern of family life has begun to emerge, which is certainly brighter than the old pattern." The text is illuminated by valuable tables; and extensive notes and references are appended to each chapter.

Dr. Ta Chen is a recognized authority on population problems in his own country. Scientifically prepared demographic data for China have been hitherto conspicuously lacking. Dr. Ta Chen does not concern himself with over-all figures, but in certain population features such as statistics of sex, age, size of family, and diversity of population, investigated by persons trained for the task. These and other conditions of population material are described only for the Kunming Lake region. As in certain other areas noted by Dr. Ta Chen, this forms little more than a sampling method. It serves, however, to prepare for nation-wide population studies when the proper time comes. An extremely timely chapter considers the migrations of the war years. The interesting opinion is advanced that twenty-five per cent of the population of the leading cities in occupied areas migrated, but only five per cent of the urban population. Nevertheless, a staggering total of over fourteen million displaced persons is represented.

This valuable study closes with a chapter advocating an advanced population policy which will no longer foster social stagnation. Unconditional and universal increase of population is decried as accountable for the present low living standards of China's masses. Both negative and positive eugenics should be encouraged with a view to promoting population quality. Dr. Ta Chen has made a useful and informative contribution to a subject of wide interest and importance. The appendix includes some sixty-five statistical tables upon which the text is based in part.

ESSON M. GALE.

University of Michigan.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Teachers of courses on judicial administration and on related phases of the judicial process will be interested in Maynard E. Pirsig's *Cases and*

Materials on Judicial Administration (American Casebook Series, West Publishing Co., 1946, pp. xxvii, 1017). This is the first book of materials on the subject designed for class use. The first two chapters provide certain background materials on "justice as the aim of the legal order," and on "the adversary method" used by the courts in contrast with the administrative method of deciding disputes over rights. In the next pair of chapters, the judicial process is more thoroughly analyzed. "The doctrine of precedent" heads a discussion of the work of the judges in developing the rules and principles of law through the study, application, and modification of precedents. Chapter 4, on "the determination of facts," stresses especially the problem of fact-finding in criminal cases, but broadens out to include civil cases in a long section on the jury system. Chapters 5 and 6 deal with the "organization of courts" and their personnel, "the judiciary." In Chapter 7, "the legal profession" is considered from various viewpoints such as education for and admission to the bar, the professional status and organization of the bar, and the rôle of lawyers in the judicial process. The closing chapter (8), entitled "Agencies and Methods of Reform," deals with rule-making by the courts, judicial councils, judicial statistics, and pre-trial procedure. In all chapters the materials are drawn from a variety of sources, such as judicial decisions, law review articles, bar association reports, treatises and monographs, and government documents. Many of the nation's leading jurists are included in the list of authors. This reviewer notes the absence of materials on a number of administrative topics, such as court budgets, the collection of fines and costs, expenditures, accounts, bail-bond practices, and other financial matters; the selection, classification, and control of the subordinate personnel of the courts; dockets, records, and administrative reports; court libraries and research facilities; the provision of competent personal assistants for the judges; and court rooms and equipment. First-rate materials on these subjects are hard to find, but we may hope that future editions of this work will include more of them. In the meantime, here is a book that covers in an excellent manner the more legal phases of court administration, and that has already stood the test of the classroom.—WILLIAM ANDERSON.

The history of the failure to achieve voluntary consolidation and integration of the railroads is ably reported by Dr. William N. Leonard in *Railroad Consolidation under the Transportation Act of 1920* (Columbia University Press, 1946, pp. 350, \$4.00). Dr. Leonard's searching analysis compels agreement with his conclusion that the only alternative, short of nationalization, is compulsory consolidation. The Interstate Commerce Commission was required by the Transportation Act of 1920 to formulate a plan for railroad consolidation, but the act carried no "teeth" if volun-

tary coöperation were not achieved. The record of 1920-40 shows that "not a single consolidated system proposed in the complete plan of 1929, or in the modified form of 1932, was ever brought into being; and neither at the time of its birth nor at the time of its extinction did the consolidation plan correspond to the actualities of railroad control" (p. 256). The act's failure well illustrates the difficulty of attempting to effectuate public policy which does not command in advance some substantial support, or at least acceptance, among the groups to be affected. In this case, when the legislative criteria were inconsistent, and where the administrative arm itself became disenchanted with the prospect for success, translating policy into actuality became impossible. The major portion of Dr. Leonard's excellent study is devoted to a detailed factual accounting of experience with the consolidation problem from 1920 to 1940. He attributes failure to two principal considerations. First, the ICC could map consolidations, but under the act could not command their execution. The record makes it abundantly clear that the railway executives simply did not want planned consolidation. Second, the ICC tended to chart its course by expediency. Rather early in the game, it decided to "let things ride" rather than meet the problem squarely. Dr. Leonard has furnished a penetrating analysis of administrative defeatism in the face of concerted opposition by private interests.—HAROLD W. DAVEY.

In *Lincoln's War Cabinet* (Little, Brown, 1946, pp. 482, \$5.00), Burton J. Hendrick traces the formation of Lincoln's cabinet, its internal dissensions, and its final break-up. Throughout the story one is impressed by the tact and unselfishness of Lincoln, who met one crisis after another with political skill and, in the main, with wise discretion. In choosing the members of his original cabinet, Lincoln had to take into consideration a critical state of national affairs and the complex character of the party which had elected him. In the light of these facts, it is interesting to note that the men appointed were essentially the same as those selected by Lincoln immediately following his election in November, 1860. Striving for party unity, he sought to gather around him men representing diverse policies and different geographical areas. William H. Seward, Samuel P. Chase, Gideon Welles, Edward Bates, Montgomery Blair, Simon Cameron, and Caleb B. Smith made up the original group. Cameron was succeeded by the temperamental but able Edwin M. Stanton, and Smith by John P. Usher. Seward and Chase had been strong rivals of Lincoln for the presidential nomination. Seward, after his initial attempt to dictate the policy of the Administration, gradually came to recognize Lincoln's superior qualities; but Chase, aided and abetted by his fascinating daughter Kate, never ceased in his efforts to attain the presidency. Mr. Hendrick paints brilliant word pictures of each of the cabinet members

in turn, after which he takes up the various crises which arose over the preservation of the Union, the slavery issue, the command of the Army (with emphasis on the dispute over McClellan), and the attempt of the radical slavery men in Congress to dictate to Lincoln the personnel of his cabinet. Each episode is related with dramatic skill—as is also such homely scenes as that of the war-worried president finding relaxation in a game of one o' cat with the Blair grandchildren at the Blair estate at Silver Spring. Mr. Hendrick has based his story largely upon diaries, autobiographies, and biographies of the cabinet members or their contemporaries. He does not appear to have drawn upon the scholarly researches of Professor J. G. Randall, who has contributed so much to the study of Lincoln in this same period of his career. To what extent Hendrick and Randall may have differed in some of their conclusions, space does not permit to be discussed here. The fact remains that Hendrick has produced a book which will delight the many admirers of Abraham Lincoln.—EVERETT S. BROWN.

"Labor Relations and the Public" is the topic for the November, 1941 issue of *The Annals of the American Academy of Political and Social Science* (Vol. 248, pp. 316, \$2.00 paper, \$2.50 cloth). The purpose of the volume, according to the editor, Herman Feldman, is to afford a symposium of "informed and thoughtful views . . . by distinguished contributors [who] though differing in many particulars, . . . have in common a deep interest in maintaining for labor an important and protected status consistent with democratic government." The twenty-five articles, from as many different writers, are grouped under six headings as follows: "Economic Issues Affecting the Public"; Intra- and Inter-Union Relations and the Public"; "The Labor Contract and Its Administration"; "Labor Warfare and the Public"; "Public Policy and Control"; and "Bibliography." Here is presented a well-balanced, informed, and judicious analysis of a subject which can so easily be debased to the level of a street brawl. In fact, those who prefer heat to light, particularly on the management side, will find the volume disappointing. This spirit of reasonableness extends from the articles by William Green and William L. Batt to those presented by Edgar L. Warren and Senator Joseph H. Ball. Congressman Howard W. Smith and John L. Lewis were not contributors. The material is timely and useful to those interested in the labor field, but who have fallen behind in their reading during the war period. Of particular interest are the articles dealing with strike legislation and compulsory arbitration in other countries. Unfortunately, limitations of space necessitated only brief mention of this foreign experience, which can be so useful for American analysis as we search for a workable basis of management-labor relationships. The reader puts down this symposium

with the feeling that the liberal point of view, as applied in the labor field, still has a wide base and an impressive clientele. It is too bad that so few of those who would profit most by exposure to such an approach will read this volume—the sinners will not hear the sermon.—WALLACE BREWSTER.

The eighth edition of Robert E. Cushman's *Leading Constitutional Decisions* (Crofts, 1946, pp. xvii, 385, \$2.25) continues to achieve the stated objective of the first edition, namely, to meet the needs of those engaged in the study of American national government or constitutional history who should become familiar with some of the great decisions of the Supreme Court of the United States which have served as landmarks in the development of the American constitutional system. While the latest revision contains seven new cases, all decided since 1940, the total remains at fifty. The new cases include *Duncan v. Kahanamoku* (Hawaiian military law), *State Board of Education v. Barnette* (flag salute), and *Edwards v. California* (anti-Okie law). Although there is little to criticize in the selection of cases, it may be noted that the net gain of two cases to the citizenship and civil and political rights sections, now totaling twenty-one cases in all, has resulted in a distribution which is less consonant with the usual organization of courses in American government or constitutional development. The extensive and valuable introductory notes have been brought up to date with the inclusion of references to forty recent cases. A welcome addition, as an appendix, is the Constitution of the United States.—WILLIAM O. FARBER.

In *Hawaii's Japanese; An Experiment in Democracy* (Princeton University Press, 1946, pp. viii, 264, \$3.00), Andrew W. Lind provides significant evaluations of the efforts of a racial minority group to adapt itself to the pattern of American democracy—and *vice versa*. Dr. Lind briefly summarizes the rôle of the Japanese in Hawaii before Pearl Harbor, but places his major emphasis on developments during the war. Sound sociological method has apparently been applied to the collection and analysis of the evidence. Field work on the project was begun in 1942, and conscious attempts were made to collate contemporary evidence on group attitudes toward socially significant events and developments. There is no indication that the author has had access to confidential reports of investigations conducted by military and naval intelligence agencies or by the F.B.I., but it is not likely that such material would have affected the basic conclusions. Dr. Lind carefully distinguishes the various facets of the question, handles each with intelligence and skill, and has produced a well-written and sympathetic study stressing the problems of mutual and reciprocal adaptation of peoples of differing racial origins on the Hawaiian scene.

The unfounded rumors of complicity and sabotage which gained wide currency in the early months of the war are sifted and dispelled, and in the process the author shows that acceptance of these rumors as a basis for national policy toward Americans of Japanese ancestry was more general on the mainland than in military circles in the islands. The general loyalty of the A.J.A.'s and their services to the islands and the nation are demonstrated and, all factors taken into account, Lind concludes that "the net effect of the war upon the Japanese has been clearly to hasten and assist their participation in the broader life of the Hawaiian community" (p. 258). Here is a worthy bookshelf companion for Leighton's *The Governing of Men*.—H. ARTHUR STEINER.

In his *The Slave States in the Presidential Election of 1860* (Johns Hopkins University Studies in Historical and Political Science, Series LXIII, No. 3, 1945, pp. 332), Ollinger Crenshaw records, with thorough documentation, the course of events that led to the greatest débâcle in American history: the inflexible refusal of the Douglas delegates in the Charleston Democratic convention of 1860 to abandon the "popular sovereignty" formula and promote a Congressional guarantee of slavery in the territories, the consequent bolting of the "Southern Rights" delegates, and their eventual nomination of Breckenridge; the nomination of Bell by the old Whigs under the title of Constitutional Unionists; and the nomination of Lincoln by the Republicans. If anyone still entertains the theory that secession represented the consummation of a deliberate conspiracy, this study should disillusion him. The fifteen Southern states had one hundred and twenty electoral votes, and the capture of the extra thirty-two required for a majority did not seem impossible. But factional bickering frustrated every effort at the required unity. Fusion of Douglas, Breckenridge, and Bell electoral tickets was arranged in key Northern states too late to defeat Lincoln. His election was a foregone conclusion throughout the South long before election day, and plans for secession were consequently then well matured. A possible fusion of the border state Constitutional Unionists with the Republicans intensified the hysteria of the extremists of the deep South. Dr. Crenshaw's research reveals how well-nigh universal was the Southern Lincoln phobia despite his essential moderation, his detestation of abolitionists, and his sympathetic understanding of Southerners and their problems. Dr. Crenshaw seems puzzled over Lincoln's absolute rejection of the Crittenden Compromise, which would have appeased the secessionists by restoring the Missouri Compromise line. It must be remembered that Lincoln's party backing as President consisted of a minority combination of discordant factions uncertainly united by the single issue of keeping all the territories free. Consenting to the Crittenden Resolutions would have signaled the im-

mediate dispersion of the following that had elected him and would have reduced him to the pathetic impotence of a President without a party.—
WILFRED E. BINKLEY.

A recent addition to the literature on municipal finance is *Kentucky City Finances* (University of Kentucky and the Kentucky Municipal League, with the coöperation of the Bankers Bond Co., 1946, pp. 275, no price), by staff members of the Bureau of Business Research, University of Kentucky. The study was planned, directed, and edited by James W. Martin, director of the bureau, and Dr. Martin's usual thoroughness may be seen throughout the book. Unlike many other studies dealing with municipal finance, this one is not restricted to an analysis of one phase of the subject, such as taxation or budgeting; nor is it a manual of practices designed especially to benefit finance officers. It is a comprehensive study treating all phases of municipal finance: budgeting, accounting, auditing, reporting, personnel, purchasing, treasury and debt management, tax assessment and collection, and sources of revenue. It is both descriptive and critical, and is more than an analysis of Kentucky municipal finances. The authors explain the best current financial standards and check Kentucky city practices against these standards. Differences in the sizes of cities and the state municipal classification system are recognized. Defective legislation and administration where found are objectively pointed out and specific suggestions for improvements are made in each chapter. The authors point to the best practices in other states, suggest specific statutory and administrative changes, and point to ways by which cities may obtain additional revenues. Perhaps some may disagree with a few of the opinions expressed, such as the suggestion that public service enterprise profits be used to supplement municipal revenues; but such disagreements should in no way detract from the worth of the book. Certainly this study should be beneficial to citizens of the state and to finance officers throughout the country. It would be well if similar studies were made in all states.—
W. V. HOLLOWAY.

The last few years have turned up several studies or biographies of Zachary Taylor, "Old Rough and Ready", who was "forty years a soldier and sixteen months the President of his country—" the most thorough and meticulous of these books being Brainerd Dyer's *Zachary Taylor* (Louisiana State University Press, 1946, pp. viii, 455, \$4.00). Professor Dyer has examined and exhausted a mass of sources to set forth a self-made leader who grew up in the West of his day and worked his way up from the rank of a second lieutenant to become a popular idol after his defeat of Santa Anna in Mexico. He was unsystematic as a general, failing to make proper use of spies, engineers, and staff officers. He had strong prejudices and

bitterly disliked President Polk, whom he served under and succeeded. Elected as a Whig in 1848, he ran straight into cabinet squabbles over spoils, and then had a bitter controversy over Congressional issues growing out of war and expansion. Louisiana planter and slave-owner though he was, he stood, as did Jackson in an earlier day, against impending disunion and disunionists. The Clay compromise proposals of 1850 represented too much appeasement to suit him, and he stood stubbornly against them. But illness and death, after he "drank freely of iced milk and ate generous quantities of cherries," removed him from the scene, and Clay had his way. The author gives a good account of this rugged and inexperienced individualist in politics.—H. C. NIXON.

In *The Compass* (Chicago: Commercial Publishing Co., 1946, pp. 374), Walter E. Dudley appears to be pointing in several directions at once in what he calls "A Guide to Peace and Security for the American People" (title page). He would have us reach the millennium by hard work and a return to old-fashioned thrift and other traditional virtues. His theories arise in part from his business misfortunes, which he blames largely on high interest rates. Mr. Dudley abhors bigness in industry, banking, government, or parties; he deprecates public debts and inflation. On the other hand, he advocates exploitation of resources in the direction of self-sufficiency, and the building of huge transportation systems. By such methods will unemployment and the dole be avoided. Mr. Dudley appears to over-simplify many of our current economic and governmental problems, and to misread history, as when he assumes (Chap. V) that we can abolish parties and return to the "equal opportunity and freedom" (p. 45) of our forefathers. Other over-simplifications are seen in his advocacy of lower interest rates, abolition of public debt, and an increase in the "velocity of money," the last to be brought about by lower taxes and increased production with a minimum of governmental interference (Chap. XII). Granting the desirability of some of his aims, Mr. Dudley leaves us wondering at the confusion and lack of motivation in his plans for utopia in our time.—E. F. DOW.

Running the Country (Henry Holt and Co., 1946, pp. x, 1001, \$4.75), edited by A. N. Christensen and E. M. Kirkpatrick, both of the University of Minnesota, is the trade edition of *The People, Politics, and the Politician*, published in 1941 by the same firm. The 120 outstanding selections, with their emphasis upon public policy in action and controversy rather than upon formal documentation, are identical in both editions. It is a tribute to the success of the book, widely adopted for college readings, that it is now printed for the general public. Few college texts attain such literary recognition.—FRANKLIN L. BURDETTE.

FOREIGN AND COMPARATIVE GOVERNMENT

Labor unions in this country have generally confined their interests almost exclusively to immediate gains and have not encouraged their leaders to think in terms of broad economic policies or concerted political action. Some of the newer industrial unions have shown signs of increasing maturity in this respect, but the political backwardness of organized American labor is clear in comparison with the British labor movement. This fact is again emphasized by implication in Trevor Evans' *Bevin of Britain* (W. W. Norton and Co., 1946, pp. 282, \$3.00). Here is outlined for the first time the story of the Foreign Secretary from his first boyhood job as a farm laborer to his present eminence. Although Bevin's long career has been almost entirely that of a trade union official and his entry into Parliament dates only from 1940, it is made evident that his union leadership gave him plenty of opportunity to develop qualities of statesmanship and to think and talk in terms far transcending immediate union affairs. This book, written by a labor journalist, is not without bias. There is a tendency to gloss over the bitter quarrels that have punctuated Bevin's rise, or to accept Bevin's side of the story rather uncritically. But there is an attempt also to be fair, and no concealment of the qualities that have made Bevin roundly hated by his opponents. Political scientists may find here an interesting example of a truly proletarian political leader in a democracy, but will add little or nothing to their present understanding of Bevin's ideas and probable policies in relation to the Soviet Union. For the complete and inside story of Bevin, both as union leader and as statesman, we must await his autobiography and the memoirs of his colleagues. A useful chronology accompanies the index.—MORLEY AYEARTS.

Eminently qualified for his task, Stewart W. Herman has presented an extraordinarily able report of the human problem in Germany in *The Rebirth of the German Church* (Harper, 1946, pp. xix, 297, \$2.50). For some years, the author was pastor of the American Church in Berlin; then as a member of O.S.S. he dealt with German problems; and since 1945 he has been associated with the World Council of Churches in Geneva. As early as August, 1945, he began extensive travels in Germany, reestablishing contacts with German churchmen. He deals primarily with the Protestant church, and the conflict between the church and the Hitlerian state is outlined. He explains how that church separated into the German Christian movement, the Intact Provincial Churches in the south, and the Confessing Church, which found its center in northern Germany. It is well to have brought out how persistently many German Protestant churchmen resisted the Nazi state. Herman was present at the Treysa Conference of church leaders in August, 1945, where plans were laid for a Protestant Church Union to be known as the *Evangelische Kirche in*

Deutschland. The German churches today are immersed in the problem of relieving human suffering. Out of a description of these efforts, and the fact that the organized churches of eastern Germany are being dissolved, emerges a moving description of events that have taken place east of the Oder-Neisse line. It is not paying much of a compliment to say that the Russians come off better than the Poles in this account. One or two chapters dealing with the problem of German repentance are rather theological in cast, but there is plenty of other pertinent material in this excellent book which will be useful to anyone interested in Germany. Incidentally, the book offers plenty of evidence to support inviting Niemöller to speak in the United States.—E. C. HELMREICH.

Aspects de l'Évolution Gouvernementale de l'Indochine Française (Librairie du Recueil Sirey, 1946, pp. 201) was written in Indo-China during the period of the Japanese occupation. The author, Roger Pinto, is professor of law in the Universities of Lille and Hanoi, and has written extensively on American and Indo-Chinese legal subjects. The thesis of the present book is that while Indo-China should continue to form part of the French empire, a wide measure of self-government must be given its peoples. Separate chapters deal in great detail with the government services, representative institutions, police power, the democratic freedoms, and the sources of law both French and Indo-Chinese. The subject is treated historically, tracing the changes that have taken place from the beginning of French control to the present time. Criticisms are freely interspersed, and each chapter concludes with a section on the reforms which should be introduced. Professor Pinto emphasizes that the problems of Indo-China are predominantly those of the agricultural eighty per cent. "If government service and representative assemblies interest 25,000 people, the government of the villages is far more important to 25,000,000." The author criticizes the slowness and seeming reluctance with which natives, even those who were French citizens, were admitted to the civil service, and particularly to the higher positions. It was only in 1926 that the technical services were opened to them; but they were still excluded from the senior posts of the administrative and police services. Professor Pinto urges that the restrictions on recruitment should be abolished. He admits that this will lead to the growth of nepotism and squeeze; but he trusts that education will eventually create a higher code of official morals. The section on methods of government action gives a careful account of the wide powers of control exercised by the police over the freedom of the individual.—LENNOX A. MILLS.

The "emerging pattern" of economic life in Eastern Europe will be that of a "mixed economy," with nationalized, coöperative, and private sec-

tors. This is the main conclusion of the unusually informative first pamphlet published by the Foundation for Foreign Affairs, *Nationalization of Key Industries in Eastern Europe* (Washington, D. C., Foundation for Foreign Affairs, 1947, pp. 81, \$0.25), by Samuel L. Sharp. This so-called pamphlet is in fact an illuminating study—based on a considerable number of primary sources—of the nationalization programs of the smaller Eastern European countries, notably Czechoslovakia and Poland. Texts of the Polish and Czechoslovak nationalization decrees are appended. Factors, other than ideological, which almost compel nationalization—such as the absence of private capital and the disappearance of Jewish and German owners—are examined with a remarkable absence of prejudice. Prospects of American compensation and of future American investment are objectively evaluated. The “Iron Curtain” seems, in the light of this book, extraordinarily transparent.—H. GORDON SKILLING.

Dr. Ta-chung Liu's *China's National Income, 1931-1936* (The Brookings Institution, 1946, pp. 91, \$1.00) is a statistical analysis of that country's gross national production of wealth during the six years immediately preceding the Japanese invasion of 1937. On the basis of available official data and the estimates of other scholars—supplemented at many points by his own carefully justified estimates—the author has reached figures which, although admittedly only a rough approximation, are more nearly complete than any previously published. For the benefit of his American readers, these figures have been converted into U. S. dollars and have been adjusted for “price differences,” “marketing differences,” and the “greater amount of unpaid family work in China”; even with all these adjustments, however, the average annual per capita production of wealth in China during the six relatively prosperous pre-war years amounted only to \$40.70 as compared to \$540.00 for the United States. In making this material available to the American reader, Dr. Liu and the Brookings Institution have contributed greatly to a better understanding of China's present problems.—G. NYE STEIGER.

INTERNATIONAL LAW AND RELATIONS

The first authentic and detailed account of American diplomatic and military relations with the Soviet Union during the war years is *The Strange Alliance* (Viking Press, 1947, pp. 344, \$3.75), by Major-General John R. Deane, wartime head of the United States Military Mission in Moscow. The specialist on contemporary Russian affairs will find here a considerable quantity of direct observations, reported in print for the first time. Among such items may be mentioned Stalin's questioning the sincerity and good faith of the Allies in September, 1941, on the occasion of the Harriman-Beaverbrook visit to Moscow to learn the needs of the

Soviet Union, and some of the circumstances surrounding this suspicion. Those who argue that the Soviet Union, even at the height of the war, was following a policy of maximizing her own power position *vis à vis* both Allies and enemies will find much factual support in the Deane report. Political scientists, however, will presumably not be likely to regard this as a uniquely Soviet trait. Deane's interpretations of what he saw and his conclusions show a certain dogmatism that is surprising in the light of his evident intellectual honesty, indicated by many aspects of the account. This reviewer hopes that American policy will not be based on Deane's interpretation of Russian "racial characteristics," described in a letter to our present Secretary of State (p. 85) and emphasized elsewhere in his analysis of the factors influencing Soviet policy. That the strategic aim of the Soviet Union is "world communism to be directed from Moscow," and that the Soviet leaders will pursue this objective without swerving (p. 322), is a conclusion open to considerable debate, and one that cannot be established on the basis of General Deane's data. To assert that all doubts on this point should have been dispelled by Stalin's speech of February 9, 1946 (p. 320) is not only a dubious interpretation of the speech; it is a piece of over-simplification equal to the acceptance at face value of the dissolution of the Communist International announced by Stalin some years earlier. Nevertheless, the reader will find in this report many significant facts upon which to base his own interpretations of Soviet policy and of American-Russian relations.—BARRINGTON MOORE, JR.

All who consider the Middle East an area of ever-growing importance in the world today, and who think that it deserves more attention in political and academic circles in this country, will warmly welcome K. S. Twitchell's book on *Saudi Arabia* (Princeton University Press, 1946, pp. 192, \$2.50). Mr. Twitchell fills an important gap existing in the literature on the Arabian peninsula by supplying the reader, both specialist and layman, with a considerable amount of valuable information concerning Ibn Saud's kingdom. Arabia has been widely treated by orientalist and by historians. First-hand accounts by men who themselves have made history in Arabia, such as T. E. Lawrence's *Revolt in the Desert* and Ronald Storrs' *Orientalism*, belong today to the category of classics. Much as they represent a *sine qua non* for any student of political developments in that area, they are too outdated to provide him with the knowledge of radical changes which have taken place in the period between the two World Wars. Mr. Twitchell has been in a unique position to write a book of practical information about Arabia. For the last fifteen years, he has been associated with the Saudi government in various capacities. He also has promoted the extension of American oil interests in the area. The

book is divided into three parts, dealing with the physical characteristics of the country, its social and political development, and the position of Saudi Arabia in world economy. The account is predominantly descriptive in character, making no pretense to scholarly presentation. The author naturally emphasizes the economic potentialities of this vast area, presenting a most vivid and interesting account of the pioneering work done by the American oil companies and by various U. S. government missions which visited Arabia during World War II. One criticism is that the author, in his eagerness to describe American-Arabian relations, has not paid enough attention to the activities of other Powers in the area. It would be interesting to learn more about moves and counter-moves of such Powers as Great Britain, Japan, Germany, and Italy in their efforts to secure economic and political footholds in the peninsula. One regrets, too, that Mr. Twitchell did not record more fully the back-stage maneuvering which he had ample opportunity to observe. With this reservation, one may justly congratulate Mr. Twitchell on having included within such relatively short compass so much information useful for an American diplomat, business man, or political scientist.—GEORGE LENCZOWSKI.

American efforts before and during World War II on behalf of Jews persecuted by the Nazis, and recent American moves to aid in the solution of the displaced-persons and Palestine problems, may lead many to think that such actions represent a new departure in American diplomacy. That such is not the case is clearly shown in *With Firmness in the Right* (American Jewish Committee, 1946, pp. xxvii, 489. \$4.00), by Cyrus Adler and Aaron M. Margolith. By culling the State Department papers relating to foreign relations, the *Congressional Record*, and other official sources, the authors have marshalled an impressive sequence of American diplomatic actions on behalf of Jews since 1840. From that year, when Secretary Forsyth expressed the horror felt in this country at the barbarous cruelties inflicted on the Damascus Jews by the Turks, the book carries the record up to President Truman's address at the final Plenary Session at the San Francisco Conference in 1945. The subject-matter is divided by countries, and within the section devoted to a particular country the material is treated chronologically except for the final section of the book treating the general developments in the years of World War II. Both diplomatic interpositions by the United States on behalf of its own nationals of Jewish faith abroad and representations on humanitarian grounds for Jews who were not American nationals are included in the volume. The authors present the facts surrounding each diplomatic action simply and clearly, and they quote extensively from the state papers themselves. The method of presentation is very effective; the record speaks for itself more eloquently than extensive commentary could possibly have spoken for it.—WILLIAM J. RONAN.

William B. Ziff's *The Rape of Palestine* (New York: Argus Books, 1946, pp. viii, 118) having been published first in 1938, only a foreword (three pages) and an epilogue (five pages) have now been added; and in them it is stated that "no part of the pattern of operation described in this book has altered in the slightest," although "a new White Paper has been issued, and several royal commissions and a mixed Anglo-American Commission have made their appearance on the scene." Recent instances of terrorism in Palestine are described as "an effort to meet . . . repressive conditions" which breed "counter-violence by men who find their acts completely justified as a natural outcome of their quest for freedom"—which surely is not a position to beget confidence in Jewry or Zionism as a civilizing force. Whether "the only reliable friends the United States can expect in this section of the world are the Jews" and the dictum that "there has been no real struggle between Jews and Arabs, but only one between the British Empire and the Jews," are accurate appraisals of the deplorable situation now prevailing is open to doubt, not dispelled by either edition of this work. Likewise it is difficult to believe that "the last hope of mankind for an orderly and sensible solution to its problems" (p. 114) reposes in Palestine.—W. LEON GODSHALL.

The title of the booklet, *Canada at Geneva* (Toronto: Ryerson Press, 1946, pp. 117, \$0.75) clearly indicates the scope of this latest addition to the Contemporary Affairs Series, published under the auspices of the Canadian Institute of International Affairs. The author, S. Mack Eastman, is a self-styled "League-Loyalist," with fifteen years of experience with the International Labour Office, and now professor at a Canadian university. For Americans, the record of a "safe-seeming" North American country in the League of Nations is of relevance as an indication of what might have been the American record had the United States joined the League. The record of Canada, according to the author, was that of an overseas country, somewhat complacent as to the superior ability of North America to preserve peace, willing to contribute to the social and welfare work of the League, unable or unwilling to implement many of the ILO conventions due to constitutional limitations, and unfavorable to tariff reductions. In the field of security, it was the record of a country anxious to reduce the commitments of the Covenant as regards military sanctions, inclined to support the German view on such questions as minorities and armaments in the twenties and early thirties, and contributing her share to the appeasement of Japan, Italy, and Germany in the final decade of catastrophe. This refreshingly critical book falls between the two stools of a scholarly research study and a popular presentation, and is also marred by poor organization and an inadequate analysis of the material culled from League records and other sources. It also seems regrettable

that the rich experience of the author in Geneva was not directly drawn upon. There is a curious tendency to accept the "have-not" argument of the aggressor states as regards raw materials, in striking contrast to the author's realistic evaluation of Germany's demand for equality of armaments.—H. GORDON SKILLING.

In a small volume entitled *War or Peace* (Island Press, Social Science Handbooks No. 4, 1946, pp. 96), Scott Nearing considers war from the point of view of economics, politics, sociology, and morality, and then in a final chapter draws some conclusions and makes a number of suggestions. The book is not presented as a scientific study of war, and the ideas throughout are familiar to anyone who has done much reading on the subject. Mr. Nearing brings out the waste economically, socially, and morally which war entails. He points out that instead of ensuring peace and security to a nation, military power "involves the powerful in war." In several places he states that war is a part of our present social pattern that stresses the acquisition of wealth and power, a point which the reader may wish he had discussed at greater length. The author believes that the change from the war pattern to a peace pattern must come gradually as a new ethic is developed. At the end, he outlines in ten points a program which stresses the promotion of a new ideology of peace, disarmament, world government, and economic reform looking toward equality of opportunity for all. The value of the book is in its forthright and readable statements of facts which need to be brought to the attention of the public over and over again.—NORMAN L. HILL.

In *Food, Famine, and Relief* (League of Nations Publications, II. Economic and Financial 1946. II.A.5, pp. 162), Mr. John Lindberg, of the Economic, Financial, and Transit Department of the League of Nations, has added a third valuable study of food conditions throughout the world. The two excellent previous studies by the same author were *Wartime Rationing and Consumption*, published in 1942, and *Food Rationing and Supply 1943/44*, published in 1944. The present study is in the nature of a summary of the preceding studies, with much additional and interesting material, and covers the period 1940-46. Mr. Lindberg analyzes the various types of food rationing during the war and summarizes their efficiency. He discusses the postwar food crisis and the efforts of UNRRA to combat it. He attempts to show the effect of food shortages upon morbidity and mortality rates. One of the most interesting and valuable parts of the study is the voluminous statistics on legal food rations in the period 1939-45, in thirty countries, to be found in the appendix. The reviewer believes that for the political scientist these statistics would furnish valuable source material for analysis of the effect of food upon domestic and

international politics, a subject which has generally been neglected.—
JOHN B. MCCONAUGHY.

POLITICAL THEORY AND MISCELLANEOUS

In the past, too little systematic attention has been given in this country to the problem of Latin American penology. This is a regrettable circumstance, as our neighbors to the South undoubtedly have much light to throw on this important area. In his *Penology from Panama to Cape Horn* (University of Pennsylvania, for Temple University Publications, 1946, pp. xiii, 269, \$3.50), Negley K. Teeters, assisted by a grant from the Cultural Relations Division of the Department of State which carried him from Panama through seven South American countries in the summer of 1944, makes an effort to fill this need. His effort is not without difficulty, however, as he had no previous acquaintance with either the languages or the culture of the countries which he visited. With only four months available to survey the penal systems of eight scattered countries, the mere physical task of traveling over such a vast area proved a formidable problem in itself. Accordingly, the time which he could spend in each country was from one to three weeks. Undeterred by these and other very real difficulties, the writer undertakes in a preliminary chapter some general observations on Latin American penal practices, followed in successive chapters by a more detailed exposition of the penal systems of Panama, Colombia, Peru, Bolivia, Chile, Argentina, and Brazil. As might be expected, he finds wide variation throughout Latin America in penal practices, administration, organization, personnel, classification of prisoners, discipline, work and recreation programs, etc. Where Argentina and Brazil have developed excellent systems of prison construction, and Colombia an advanced program of productive prison labor, other smaller countries lag behind. Running hand in hand with variations in penal practices is a widespread uniformity in the theory of criminology. Involved here is the tendency to interpret human behavior, including its aberrant aspects—such as crime—in terms of biology and its related disciplines rather than in terms of socio-economic conditions such as poverty, unemployment, faulty home or educational background, and similar environmental factors, with which we supplement the biological factor in our “multiple causation” explanation of human behavior. This emphasis on the biological factor in criminal causation has a marked influence on the methods of penology, including administration of classification systems and diagnostic clinics. A final chapter on “Intra-American Coöperation in Penology” considers existing points of contact between penologists in Latin America and the United States and suggests a closer relationship, enriched by a more fruitful exchange of literature. While this book contains much that is of interest on Latin American penology, initial doubts as to the

wisdom of such a sweeping survey, based on so slender a foundation of time and study, are not readily dispelled by the results. A list of journals of penology published in South America is included, and an index of subjects and persons is appended.—FRANCIS R. AUMANN.

In his thin booklet, *The Negro and the Post-War World; A Primer* (Washington, D. C.: Minorities Publishers, 1946, pp. 95, \$1.50), Dr. Raymond Logan covers in rapid succession the political and economic status of Negro people throughout the world. In specific chapters on Africa, the colonial West Indies, Latin America, and the United States and Canada, the conditions of labor, of literacy, suffrage, taxation, and participation in political life are examined. Professor Logan's earlier volume, *The Senate and the Versailles Mandate System* (cf. this REVIEW, February, 1946, p. 158), outlined the rôle of minorities and of racial problems in the world politics of a generation ago. The present work similarly exhibits a tendency toward special pleading which, in the mind of this reviewer, is quite justifiable. But it is special pleading none the less. Tactically, it may be questioned whether Dr. Logan's last paragraph will arouse widespread sympathy; "I can picture an international conference, not more than twenty-five years from now, in which a black delegate will rise and declare: 'Gentlemen: five hundred years is long enough for any people to be held in bondage, degraded, spit upon, exploited, disfranchised, segregated, lynched. Here is the formula for a home-manufactured atomic bomb. Give us liberty, or we will give you death.' " The United Nations Charter employs statements of high ideals regarding respect for human rights without distinction of race, which did not appear in the Covenant of the League of Nations. But the author believes that the Charter's prohibitions of interference within the domestic jurisdiction of any state will allow discriminating practices to continue. Dr. Logan is skeptical about the Trusteeship Council, which he doubts will administer many territories; its powers in any event will be woefully small. He sees "in the growing power of labor in international affairs the best hope for a fuller life for Negroes . . ." The Labor party may lead the dependent peoples of the British Empire to independence or self-government, as an alternative to the dependent peoples of the world turning in despair to Russia as their only salvation.—WILLARD F. BARBER.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Addison, William. American Indian education; government schools and economic progress. Pp. 135. N. Y.: King's Crown Press. 1946.

Beckett, Paul, and McNutt, W. L. The direct primary in New Mexico. Pp. 34. Albuquerque: Univ. of N. M. 1947.

Bureau of Public Administration. The university bureaus of public administration. Pp. 87. University: Univ. of Ala. 1946.

Committee on Public Debt Policy. Our national debt after great wars. Pp. 12. Com. on Pub. Debt Policy, N. Y.: 26 Liberty St. 1947.

Committee on Public Debt Policy. Our national debt and the banks. Pp. 18. N. Y.: Com. on Pub. Debt Policy, 26 Liberty St. 1947.

Corwin, Edward S. Total war and the constitution; five lectures. Pp. 182. N. Y.: Knopf. 1947.

Crenshaw, Ollinger. The slave states in the presidential election of 1860. Pp. 332. Baltimore: Johns Hopkins Press. 1946.

Deane, John R. The strange alliance; the story of our efforts at wartime co-operation with Russia. Pp. 352. N. Y.: Viking. 1947.

Feldman, Herman, ed. Labor relations and the public. Pp. 316 (*Annals Am. Acad. Pol. and Soc. Sci.*, Nov., 1946). Philadelphia.

Forthal, Sonya. Cogwheels of democracy; a study of the precinct captain. Pp. 106. N. Y.: William-Frederick. 1946.

George, Willis De Vere. Surreptitious entry [secret service]. Pp. 214. D. Appleton-Century. 1946.

Graves, W. Brooke. American state government; 3rd ed. Pp. 1094. Boston: D. C. Heath. 1946.

Greenman, Russell L., and Greenman, Elizabeth B. Getting along with unions. Pp. 167. N. Y.: Harper. 1947.

Hansen, Alvin Harvey. Economic policy and full employment. Pp. 352. N. Y.: Whittlesey House, McGraw-Hill. 1947.

Hatch, Alden. Franklin D. Roosevelt; an informal biography. Pp. 421. N. Y.: Holt. 1947.

Iserman, Theodore R. Industrial peace and the Wagner act. Pp. 91. N. Y.: McGraw-Hill. 1947.

Konecky, Eugene M. Monopoly steals FM from the people. Pp. 48. N. Y.: Provisional Committee for Democracy in Radio. 1946.

Kowitz, Milton R. The constitution and civil rights. Pp. 264. N. Y.: Columbia Univ. Press. 1947.

Latty, E. R., ed. Housing. Pp. 205. (*Law and Contemp. Prob.* Vol. XII, No. 1). Durham (N. C.): Duke Univ. Press. 1947.

Lerner, Abba Ptacha, and Graham, Frank Dunstone, eds. Planning and paying for full employment. Pp. 222. Princeton, N. J.: Princeton. 1946.

Leslie, Louis A., comp. Heard in Congress; two hundred thousand words of dictation from the Congressional Record. Pp. 448. N. Y.: Gregg Pub. Co. 1946.

Madison, Charles A. Critics and crusaders; a century of American protest. Pp. 584. N. Y.: Holt. 1947.

Morgenstern, George. Pearl Harbor; the story of the secret war. Pp. 440. N. Y.: Devin-Adair. 1947.

Plumb, Ralph G. Succession in public office; a study of resignations, removals, retirements. Pp. 170. Manitowoc (Wis.): Bradt Printing Co. 1946.

Post, Charles G., ed. Twenty cases on the constitution for an introductory course in American government. Pp. 299. Poughkeepsie (N. Y.): Vassar College. 1946.

Sayre, W. S. An outline of American government; 9th ed. Pp. 221. N. Y.: Barnes & Noble. 1946.

Stewart, Bryce M., and Couper, Walter J. Reconversion in industrial relations. Pp. 78. N. Y.: Industrial Relations Counselors. RKO Bldg. 1946.

Tannenbaum, Frank. Slave and citizen; the Negro in the Americas. Pp. 150. N. Y.: Knopf. 1947.

Thayer, Vivian Trow. Religion in public education. Pp. 223. N. Y.: Viking. 1947.

Van Deusen, Glyndon Garlock. Thurlow Weed, wizard of the lobby. Pp. 417. Boston: Little, Brown. 1947.

White, William Allen. Selected letters of William Allen White, 1899-1943; ed. by Walter Johnson. Pp. 468. N. Y.: Holt. 1947.

Articles

Administrative Law. Mandamus to review state administrative action. *Foster H. Sherwood.* Mich. Law Rev. Dec., 1946.

Agriculture. Not parity but balance. *Lauren K. Soth.* Antioch Rev. Dec., 1946.

Army and Navy. The personal factor in military justice. *Delmar Karlen.* Wis. Law Rev. July, 1946.

———. Unification for national defense. *T. H. Thomas.* Current Hist. Oct., 1946.

———. Army courts-martial: the double standard. *Samuel Morgan.* Atlan. Mo. Dec., 1946.

———. Samples of the army mind. *J. Frank Dobie.* Harper's. Dec., 1946.

———. Millions of guilty men. [Crime and immorality in the army.] *George H. Wellner.* Harper's. Jan., 1947.

———. The army's plans for the next war. *Donald B. Robinson.* Am. Mercury. Feb., 1947.

Bankruptcy. Liquidation of corporations in bankruptcy reorganization. *William L. Cary.* Defining a preference in bankruptcy. *James A. McLaughlin.* Harvard Law Rev. Dec., 1946.

Bar. Thoughts on legal education. *Kenneth K. Luce.* Marquette Law Rev. Dec., 1946.

Business. The entertainment industry and the federal anti-trust law. *Bernard Reich.* So. Calif. Law Rev. Dec., 1946.

———. The New York state department of commerce. *M. P. Catherwood.* State Govt. Jan., 1947.

Candidacies. I run for office. *Richard L. Neuberger.* Harper's. Feb., 1947.

Civil Liberties. The need for a civil rights act in the District of Columbia. *Arthur Christopher, Jr.* Lawyers Guild Rev. Sept.-Oct., 1946.

———. Mr. Justice Murphy, civil liberties, and the Holmes tradition. *V. M. Barnett, Jr.* Cornell Law Quar. Nov., 1946.

- . Not one cent for religion. *Jerome D. Hannan*. *The Jurist*. Jan., 1947.
- . Japanese return to the West coast. *Emory S. Bogardus*. *Sociology and Soc. Research*. Jan.-Feb., 1947.
- Congress. Message to the 80th Congress. *Elmer Davis*. *Harper's*. Jan., 1947.
- . Helping yourself to a good congress. *Labert St. Clair*. *Nation's Business*. Jan., 1947.
- Conservation. Do we need a new land policy? *Leonard A. Salter, Jr.* *Jour. of Land and Pub. Util. Econ.* Nov., 1946.
- Constitutions. Amending and revising state constitutions. *J. E. Reeves and K. E. Vanlandingham*. *Ky. Law Jour.* Jan., 1947.
- Crime and Criminal Law. Felonious assault as symptom of abnormal sexuality. *Benjamin Karpman*. The adolescent in court. *Paul W. Tappan*. Correctional objectives today. *Edmund R. East*. Study of psychopathic federal offenders. *Hulsey Cason and M. J. Pescor*. *Jour. of Crim. Law & Criminol.* Sept.-Oct., 1946.
- . Improving probation in Nebraska. *L. B. Orfield*. *Neb. Law Rev.* Nov., 1946.
- . Twilight zones in probation. *Irving E. Cohen*. *Jour. of Crim. Law and Criminol.* Nov.-Dec., 1946.
- . Pattern of murder in insanity. *Louis H. Cohen and Thomas E. Coffin*. *Jour. of Crim. Law and Criminol.* Nov.-Dec., 1946.
- . New federal criminal procedure in operation. *Alexander Holtzoff*. *Jour. of Am. Judicature Soc.* Dec., 1946.
- . Washington studies juvenile delinquency. *A. D. Rosellini*. *State Govt.* Jan., 1947.
- Federal Trade Commission. Get the devil out of business. *Lowell B. Mason*. *Nation's Business*. Jan., 1947.
- Feminine Rights. Should the U.S. constitution guarantee equal rights for women under the law? Pro and con. *Symposium*. *Cong. Digest*. Dec., 1946.
- Foreign Policy. Isolationism and the middle west. *William G. Carleton*. *Miss. Valley Hist. Rev.* Dec., 1946.
- . Our relations with Latin America. *William H. Shoemaker*. *Southwestern Soc. Sci. Quar.* Dec., 1946.
- . United States far eastern policy. *Harold M. Vinacke*. *Pacific Affairs*. Dec., 1946.
- . U.S. strategic bases and collective security. *Hans W. Weigert*. The foreign service in transition. *W. P. Maddox*. *For. Affairs*. Jan., 1947.
- . Free trade with Canada. *O. G. Villard*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.
- . A new isolationism. *Patrick M. Boarman*. *Cath. World*. Jan., 1947.
- . Diplomacy of the dollar—1947. *Herbert Feis*. *Atlan. Mo.* Jan., 1947.
- . The United States in the far east. *R. W. Van Alstyne*. *Current Hist.* Jan., 1947.
- . U.S.-Australian relations today. *Werner Levi*. *Far Eastern Survey*. Jan. 15, 1947.
- . Why we irritate the British. *John Osborne*. *Harper's*. Feb., 1947.
- . The U.S.A. and British imperialism. *M. J. Bonn*. *Pol. Quar.* Jan.-Mar., 1947.
- General. Some thoughts on the United States. *Correspondent*. *Round Table*. Dec., 1946.
- . Ilya Ehrenburg's America: translations of six articles published in "Izvestia." *Ilya Ehrenburg*. *Harper's*. Dec., 1946.
- . Are we politically adolescent? *W. G. Carleton*. *Am. Scholar*. Winter, 1946-47.

Health. Some essentials in national mental health planning. *Daniel Blain*. Social Service Rev. Sept., 1946.

———. The health of the nation; a plea for public medicine. *Channing Frothingham*. Atlan. Mo. Feb., 1947.

Housing. Housing coöperatives. I. *H. Flamm*. Lawyers Guild Rev. Sept.-Oct., 1946.

———. Housing, the south's number one economic opportunity. *Charles F. Palmer*. Social Forces. Dec., 1946.

———. Housing and birth control. *Mildred Gilman*. Am. Mercury. Jan., 1947.

Intergovernmental Relations. Judicial determination of interstate disputes. *Paul F. Good*. Neb. Law Rev. Nov., 1946.

———. The full faith and credit clause and its relation to due process. *Thomas E. McCarthy*. Rocky Mountain Law Rev. Dec., 1946.

———. Comity of relations between governments of the several states and the national government as affected by federal judicial review. *J. R. Lewis*. Ky. Law Jour. Jan., 1947.

Imperialism. American imperialism: new style. Puerto Rico's bootstraps. *Rexford G. and Grace F. Tugwell*. The United States invades Africa. *Earl Parker Hanson*. Harper's. Feb., 1947.

Labor. The fair labor standards act—a legal and economic study. *Herbert Burstein*. Lawyers Guild Rev. Sept.-Oct., 1946.

———. Admission policies of labor unions. *Clyde W. Summers*. Quar. Jour. of Econ. Nov., 1946.

———. Adamic and his work. *Harold Zyskind*. Chicago-Jewish Forum. Winter, 1946.

———. "Belo" revisited [Fair Labor Standards Act—overtime provisions]. *Irring J. Levy*. George Washington Law Rev. Dec., 1946.

———. Strikes and eminent domain. *E. C. Gerhart*. Compulsory arbitration of labor disputes. *C. A. Huebner*. Jour. of Am. Judicature Soc. Dec., 1946.

———. The way to industrial peace. Part II. *Peter F. Drucker*. Harper's. Dec., 1946.

———. John L. Lewis: dictator. *S. K. Ratcliffe*. Contemp. Rev. Jan., 1947.

———. The fair labor standards act. *Leon H. Wallace*. Ind. Law Jour. Jan., 1947.

———. The way to industrial peace. Part III. *Peter F. Drucker*. Harper's. Jan., 1947.

———. Portal to portal pay. *George E. Cotter*. Va. Law Rev. Jan., 1947.

———. The right to join a union. *Clyde Summers*. Col. Law Rev. Jan., 1947.

———. Shall we arbitrate? *J. C. McIntosh*. Pub. Util. Jan. 16, 1947.

———. Labor unions and labor policy. *Leo Wolman*. Yale Rev. Winter, 1947.

———. The right to strike. *Richard E. Danielson*. Atlan. Mo. Feb., 1947.

———. Revise the N.L.R.A. *Morley G. Dilke*. Current Hist. Feb., 1947.

———. Philip Murray. *Will Chasan*. Am. Mercury. Feb., 1947.

Money and Banking. Monetary control under the federal reserve act. *Clark Warburton*. Pol. Sci. Quar. Dec., 1946.

Navigability. The legal concept of navigability vs. navigability in fact. *Harry S. Silverstein, Jr.* Rocky Mountain Law Rev. Dec., 1946.

Panama Canal. Panama futility. *Arthur S. Riggs*. Cath. World. Jan., 1947.

Patents and Copyrights. The general lawyer and patent problems. *Daniel G. Cullen*. Lawyers Guild Rev. Sept.-Oct., 1946.

———. The new trademark act of July 5, 1946. *Rudolf Callmann*. Columbia Law Rev. Nov., 1946.

———. Invalid patents and price control. *Roscoe Steffan*. Yale Law Jour. Nov., 1946.

———. Compulsory licensing of patents. *Richard Reik*. Am. Econ. Rev. Dec., 1946.

———. The Lanham trademark act. *Bartholomew Diggins*. Georgetown Law Jour. Jan., 1947.

Personalities. Vandenberg of Michigan. *Fred Rodell*. Am. Mercury. Jan., 1947.

Personnel. The punch card in personnel administration. *James G. Stockard*. Counting service for periodic within-grade salary advancements. *Katherine A. Sisk* and *G. L. Scheldrup*. Person. Admin. Nov., 1946.

———. The changing rôle of the U. S. civil service commission. *John McDiarmid*. Am. Pol. Sci. Rev. Dec., 1945.

———. Relations between the budget and personnel agencies. *James E. Webb*. Pub. Personnel Rev. Jan., 1947.

———. Retirement planning for public employees. *A. A. Weinberg*. State Govt. Jan., 1947.

———. The second bonus march. *Sam Stavinsky*. Nation's Business. Jan., 1947.

Planning. The dilemma of prosperity. *David C. Coyle*. Yale Rev. Winter, 1947.

Political Parties. Who owns the parties? *L. L. Bernard*. Social Sci. Jan., 1947.

———. "I voted Republican, but . . ." *S. Burton Heath*. Harper's. Jan., 1947.

Presidency. An analysis of some of the propaganda features of the campaign of 1940. *Henry O. Evjen*. Southwestern Soc. Sci. Quar. Dec., 1946.

———. President Truman's defeat. *S. K. Ratcliffe*. Contemp. Rev. Dec., 1946.

———. Should the U.S. constitution limit the terms a president may serve? Pro and con. *Symposium*. Cong. Digest. Jan., 1947.

Press and Literature. The commissar and the free lance writer. *George F. Barry*. Cath. World. Jan., 1947.

Public Administration. Separation of functions in the administrative process. *Alfred L. Scanlan*. George Washington Law Rev. Dec., 1946.

———. Federal executive reorganization re-examined; a symposium. Part I. *Fritz Morstein Marx*, ed. Basic problems. *Wayne Coy*. Wartime currents and peacetime trends. *J. P. Harris*. Staffing the presidency. *Don K. Price*. Am. Pol. Sci. Rev. Dec., 1946.

———. The rôle of the lawyer in public administration. *John M. Pfiffner*. So. Calif. Law Rev. Dec., 1946.

———. The responsibility of administrative officials in a democratic society. *David M. Levitan*. Pol. Sci. Quar. Dec., 1946.

Public Debt. The problem of bank-held government debt. *H. C. Carr*. Am. Econ. Rev. Dec., 1946.

Public Utilities. Problems in the appraisal of the railroad land grants. *Charles S. Morgan*. Miss. Valley Hist. Rev. Dec., 1946.

———. The Pittsburgh power strike. *L. D. Farrar*. Pub. Util. Jan. 16, 1947.

———. Will the FPC drive natural gas out of the fuel market? *Samuel H. Crosby*. Pub. Util. Fort. Feb. 13, 1947.

Public Works. Development works and full employment. *D. Christie Tait*. Int. Labour Rev. Nov.-Dec., 1946.

———. Public works policy in the twenties. *E. Jay Howenstine, Jr.* Soc. Research. Dec., 1946.

Race Relations. American race relations and status structure. *Norman D. Humphrey*. Social Sci. Jan., 1947.

Rationing and Price Control. Gasoline rationing in the United States. II. *James A. Maxwell*. Quar. Jour. of Econ. Nov., 1946.

- . Price control in New England during the revolution. *Kenneth Scott*. New England Quar. Dec., 1946.
- Social Security.** Unemployment compensation in Wisconsin. *Walter A. Morton*. Social Service Rev. Sept., 1946.
- . Fifteen years more of workmen's compensation in Iowa. *Maurice H. Merrill*. Iowa Law Rev. Nov., 1946.
- . Limitation of coverage under a policy of workmen's compensation insurance. *Ben. R. Miller*. Tulane Law Rev. Dec., 1946.
- Supreme Court.** Politics and value-systems; the supreme court, 1945-1946. *G. Herman Prichett*. Jour. of Pol. Nov., 1946.
- Taxation.** An ounce of prevention; a study in corporate tax avoidance. *Harrop A. Freeman and Lewis H. Kirschner*. Columbia Law Rev. Nov., 1946.
- . The octroi and airplane—a reconsideration of some old problems of local taxation and of commerce among the several states. *A. E. Sutherland, Jr.*, and *Stephen Vinciguerra*. Cornell Law Quar. Nov., 1946.
- . Federal tax effects of powers of management and control over trust investments. *Emory S. Naylor, Jr.* Ill. Law Rev. Nov.-Dec., 1946.
- . The burden of import duties. *E. R. Rolph*. Am. Econ. Rev. Dec., 1946.
- . Federal tax reform. *Henry C. Simons*. Univ. of Chicago Law Rev. Dec., 1946.
- . The problem of tax exempt property in Colorado. *Earl C. Crockett*. Rocky Mountain Law Rev. Dec., 1946.
- . When tax relief is not tax relief. *Leonard Houghton*. Taxes. Jan., 1947.
- . Harold Knutson—three decades of tax "know-how." *Larston D. Farrar*. Taxes. Jan., 1947.
- . Practical farm tax problems. *Walter B. Keaton*. Ind. Law Jour. Jan., 1947.
- . Federal tax liens and their enforcement. *Samuel O. Clark, Jr.* Va. Law Rev. Jan., 1947.
- . Tax problems of small business. *Russell S. Bock*. Taxes. Feb., 1947.
- Territories and Dependencies.** The Guam congress. *Roy E. James*. Pacific Affairs. Dec., 1946.
- . Statehood for Alaska. *George Sundborg*. State Govt. Jan., 1947.
- Tort Claims.** The federal tort claims act—a statutory interpretation. *I. M. Gottlieb*. Georgetown Law Rev. Nov., 1946.
- Transportation.** Regulation of rates in air transportation; part I. *W. C. Burt* and *James L. Highsaw, Jr.* La. Law Rev. Nov., 1946.
- TVA.** The TVA program and the war effort. *L. L. Durisch*. Jour. of Pol. Nov. 1946.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

- Allan, J. A.* Men and manners in Australia; a social and economic sketch history. Pp. 176. S. Pasadena (Cal.): P. D. & Ione Perkins. 1946.
- Ardyonne, Michael.* A nation is born: a defence of the Malayan Union. Pp. 95. London: Falcon. 1946.
- Blair, Dorian.* Do you really know Russia? Pp. 54. London: Valiant Publins. 1946.
- Boeke, J. H.* The evolution of the Netherlands Indies economy. Pp. 190. N. Y.: Inst. of Pacific Relations. 1946.
- Brant, Irving.* New life in Poland. Pp. 64. London: Dobson, 1946.

- Brockway, Fenner.* German diary. Pp. 148. London: Gollancz. 1946.
- Brockway, Fenner.* Socialism over 60 years. Pp. 414. London: Allen & Unwin. 1946.
- Cressey, George B.* The basis of Soviet strength. Pp. 288. London: Harrap. 1946.
- Feiling, Keith.* The life of Neville Chamberlain. Pp. 476. London: Macmillan. 1946.
- Footman, David.* The primrose path; a life of Ferdinand Lassalle. Pp. 251. London: Cresset Press. 1946.
- Hewlett, John Henry.* Like moonlight on snow; the life of Simon Iturri Patiño. Pp. 292. N. Y.: McBride. 1947.
- Hoare, Sir Samuel.* Complacent dictator [Franco]. Pp. 340. N. Y.: Knopf. 1947.
- Hobman, Joseph Burton,* ed. Palestine's economic future. Pp. 310. N. Y.: W. S. Heinman. 1946.
- Hughlett, Lloyd J.,* ed. Industrialization of Latin America. Pp. 517. N. Y.: McGraw-Hill. 1946.
- Kao, Ping-shu.* Foreign loans to China. Pp. 62. N. Y.: Sino-Internatl. Econ. Research. Center, 86 Riverside Drive. 1946.
- Keith, Elizabeth,* and *Scott, Elspet K. R.* Old Korea. Pp. 72. London: Hutchinson. 1946.
- Knight-Patterson, W. M.* Germany; from defeat to conquest, 1913-1933. Pp. 672. N. Y.: Macmillan. 1947.
- Koesler, Arthur.* Thieves in the night [Palestine]. Pp. 353. London: Macmillan. 1946.
- Lenin, N.* Suppressed testament of Lenin; with On Lenin's testament, by Leon Trotsky. Pp. 48. N. Y.: Pioneer Pubrs. 1946.
- Luzemburg, Rosa.* Letters from prison; trans. Pp. 48. London: Socialist Bk. Center. 1946.
- McCabe, Joseph.* The history of flagellation; the whip as an instrument of punishment, torture, self-beatings, religion, and erotic stimulation. Pp. 96. Girard (Kans.): Haldeman-Julius. 1946.
- Meek, Charles K.* Land law and custom in the colonies. Pp. 337. N. Y.: Oxford. 1946.
- Moore, R. C.* Piety and poverty in Chile; a study of the economic and social effects of Roman Catholicism on Chile. Pp. 144. Nashville (Tenn.): Broadman Press. 1946.
- Mullally, Frederic.* Fascism inside England. Pp. 100. London: Claud Morris. 1946.
- Read, Harlan E.* Fighters for freedom; the story of liberty throughout the ages. Pp. 287. N. Y.: R. M. McBride. 1946.
- Reischauer, Edwin O.* Japan, past and present. Pp. 218. N. Y.: Knopf. 1947.
- Palencia, Isabelde.* Alexandra Kollontay, ambassadress from Russia. Pp. 309. N. Y.: Longmans. 1947.
- Schuschnigg, Kurt von.* Austrian requiem; trans. Pp. 333. N. Y.: Putnam. 1946.
- Sternberg, Fritz.* The coming crisis; tr. from the German by Edward Fitzgerald. Pp. 288. N. Y.: John Day. 1947.
- Tripp, Myron L.* The Swiss and the United States constitutional systems; a comparative study. Pp. 247. Paris: Librairie Sociale et Economique. 1940.
- Tugwell, Rexford G.* The stricken land; the story of Puerto Rico. Pp. 735. Garden City (N. Y.): Doubleday. 1946.
- Twitchell, K. S.,* and *Jurji, Edward J.* Saudi Arabia; with an account of the development of its natural resources. Pp. 205. Princeton, N. J.: Princeton Univ. Press. 1947.

Warburg, James P. Germany; ration or no-man's-land. Pp. 62. N. Y.: Foreign Policy Assoc. 1946.

Articles

Australia. The defence power of the commonwealth in time of war. *Geoffrey Sawyer*. Australian Law Jour. Dec. 13, 1946.

———. Reconstruction in Australia. *C. Hartley Grattan*. Current Hist. Feb., 1947.

Austria. Austria infelix. *Karl Gruber*. For. Affairs. Jan., 1947.

Belgium. Should King Leopold abdicate? *Ruth A. Elliott*. Cath. World. Jan., 1947.

Brazil. Brazil. *Hubert Herring*. Yale Rev. Winter, 1947.

British Commonwealth. Canada's ties to Britain. *Alzada Comstock*. Current Hist. Oct., 1946.

———. Objectives and methods of exchange control in the United Kingdom during the war and postwar transition. *F. Rona*. Economica. Nov., 1946.

———. Self-government of British dependencies. *Josephine Kamm*. World Affairs. Dec., 1946.

Canada. Asiatics in Canada. *H. F. Angus*. Pacific Affairs. Dec., 1946.

———. The determinants of Canadian immigration policy. *Editors*. Round Table. Dec., 1946.

———. The Rand formula; subsidiary and quasi-legal aspects [labor relations]. *Harold J. Clawson*. Some notes on the income taxation of farmers. *G. W. Ausier*. Saskatchewan examines penal reform. *Stuart K. Jaffary*. Canadian Bar. Rev. Dec., 1946.

———. What's happening to social credit. *Doris French*. Justice and Japanese Canadians. *Edith Fawke*. Can Forum. Jan., 1947.

———. Labor's postwar charter. *E. B. Jolliffe*. Can. Forum. Feb., 1947.

———. America's choice in China. *Adie Suehsdorf*. Am. Scholar. Winter, 1946-47.

———. Our guilt in China. *Herbert K. Abrams*. Chicago-Jewish Forum. Winter, 1946.

———. Emergency relief needs and measures in China. *Donald S. Howard*. Social Service Rev. Sept., 1946.

———. The Chinese revolution. *Flora Bridges*. Current Hist. Feb., 1947.

———. China in ferment. *Lawrence K. Rosinger*. For. Policy Rep. Jan. 1, 1947.

———. Postwar banking in Shanghai. *John Ahlers*. Pacific Affairs. Dec., 1946.

France. Le nouveau code de la nationalité française. *Pierre Louis-Lucas*. Rev. Critique de Droit Int. Jan.-June, 1946.

———. Some sources on the resistance movement in France during the nazi occupation. *Fred L. Hadsel*. Jour. of Mod. Hist. Dec., 1946.

———. La fonction gouvernementale. *Georges Burdeau*. Le sort de l'ouvrier français sous le second empire. *Paul Louis*. Les organismes d'application de la législation agricole. *René Cercler*. Rev. Pol. et Parl. Dec., 1946.

———. L'économie polonaise et le plan national de reconstruction (1946-1949). *Edward Hempel*. Rev. Pol. et Parl. Dec., 1946.

———. The governance of France. *Editors*. Round Table. Dec., 1946.

———. The new French republic. *W. W. Crotch*. Contemp. Rev. Dec., 1946.

———. The fourth French republic. *E. J. Knapp*. Current Hist. Feb., 1947.

———. The political situation in France. *Dorothy M. Pickles*. Pol. Quar. Jan.-Mar., 1947.

General and Comparative. The elimination of German minorities in southeastern Europe. *J. B. Schechman*. *Jour. of Cent. Eur. Affairs*. July, 1946.

———. The method of the Roman jurists. *K. Kagan*. *Tulane Law Rev.* Dec., 1946.

———. Newspapers and the law of libel. *Alexander Stark*. *Canadian Bar Rev.* Dec., 1946.

———. A political scientist looks at military government in the European theater of operations. *Harold Zink*. *Am. Pol. Sci. Rev.* Dec., 1946.

———. Elections; to right and to left. *F. W. Foreign Correspondents*. *Free World*. Dec., 1946.

———. "Subject," "citizen," "national," and "permanent allegiance." *Maximilian Koessler*. *Yale Law Jour.* Nov., 1946.

———. Population problems in the Pacific. *Shu-Ching Lee*. *Jour. of Land and Pub. Util. Econ.* Nov., 1946.

———. The dawn of nationalism in Europe. *Halvdan Koht*. *Am. Hist. Rev.* Jan., 1947.

Germany. The organization of control in the British zone in Germany. *D. R. Woodman*. *Pub. Admin.* Autumn, 1946.

———. They are not expendable; the homeless and refugee children in Germany. *Ernst Papaneck*. *Social Service Rev.* Sept., 1946.

———. Profits under nazi planning. *Arthur Schweitzer*. *Quar. Jour. of Econ.* Nov., 1946.

———. The four out of hand; plight of Germany under control. *Editors*. *Round Table*. Dec., 1946.

———. The political reëducation of the Germans. *Moses Moskowitz*. *Pol. Sci. Quar.* Dec., 1946.

———. Carl von Ossietzky: in memoriam. *Otto Lehmann-Russbuehdt*. *Contemp. Rev.* Dec., 1946.

———. The British zone of Germany. *Geoffrey Gorer*. *Fortnightly*. Dec., 1946.

———. The German situation today. *R. W. Keyserlingk*. *Int. Jour.* Winter, 1946-47.

———. The partition of Germany and the unity of Europe. *Eugene V. Rostow*. *Va. Quar. Rev.* Winter, 1947.

———. Hitler's concentration camps—an examination of conscience. *Eugen Kogon*. *Rev. of Pol.* Jan., 1947.

———. Germany approaches the cross-roads. *Jonathan Blow*. *Quarterly Rev.* Jan., 1947.

———. No German policy is possible. *Joel Carmichael*. *Parties and classes in postwar Germany*. *Hans Meyerhoff*. *So. Atlan. Quar.* Jan., 1947.

———. The personality of inmates of concentration camps. *Herbert A. Bloch*. *Am. Jour. of Sociol.* Jan., 1947.

Great Britain. The machinery of government. *John Anderson*. The administration in 1945 of some tribunals appointed by the minister of labour and national service. *D. Scott Stokes*. Postwar housing finance. *J. P. Macey*. The transition to the national health service. *H. E. Martin*. *Pub. Admin.* Autumn, 1946.

———. The new British national health service. *John Moss*. *Social Service Rev.* Sept., 1946.

———. Truth about the Tories. *Clement Davies*. *Legislation and public morality*. *J. C. G. Ruston*. *Liberal*. Oct.-Nov., 1946.

———. Some arguments used by English pamphleteers, 1697-1700, concerning a standing army. *E. Arnold Miller*. *Jour. of Mod. Hist.* Dec., 1946.

———. The British Labor party and domestic reform. *Mary E. Murphy*. *Jour. of Pol. Econ.* Dec., 1946.

- . The year at home. *W. Hamilton Kerr*. Nine. Cent. and After. Dec., 1946.
- . Communism and the trade unions. *J. H. Harley*. Contemp. Rev. Dec., 1946.
- . Bevin and his critics. *Raymond Blackburn*. Hopeful factors in the British economy. *S. R. Dennison*. For. Affairs. Jan., 1947.
- . Britain and the American elections. *George Catlin*. Fortnightly. Jan., 1947.
- . The party system. *Viscount Samuel*. Contemp. Rev. Jan., 1947.
- . Soft justice [crime]. *Leo Page*. Quarterly Rev. Jan., 1947.
- . Twenty-one "rebels" and a letter [Labour party "revolt"]. *F. A. Voigt*. Nine. Cent. and After. Jan., 1947.
- . Labor and the empire. *D. C. MacDonald*. Can. Forum. Feb., 1947.
- . Britain's nationalization growing pains. *Reginald Hobbs*. Pub. Util. Fort. Feb. 13, 1947.
- . A journey through socialism [Labor government]. *J. Lacey Reynolds*. Nation's Business. Feb., 1947.
- . The nationalisation of the railways. *Fabian*. Has labour come to stay? *H. L. Beales*. Pol. Quar. Jan.-Mar., 1947.
- . Britain under planning. *John Chamberlain*. Yale Rev. Winter, 1947.
- Haiti. Haiti's economic bondage. *Bernard Seeman*. Am. Mercury. Jan., 1947.
- Hong Kong. Hong Kong dilemma. *Hilda Selwyn-Clarke*. Far Eastern Survey. Jan. 15, 1947.
- India. Hindus and Moslems in India. *J. C. French*. Dalhousie Rev. Oct., 1946.
- . Adult education in India. *Surya Sardesai*. Free World. Dec., 1946.
- . India; Lord Wavell's achievement. *Editors*. Round Table. Dec., 1946.
- . Politics and peanuts: a visit with Mahatma Gandhi. *Louis Fischer*. Atlan. Mo. Jan., 1947.
- . The Indian princes and the cabinet mission. *William Barton*. Quarterly Rev. Jan., 1947.
- . Wishful thinking about India. *Arthur Moore*. Nine. Cent. and After. Jan., 1947.
- . The problem of union in India. *Bishop Thomas Pothacamury*. Cath. World. Feb., 1947.
- . India; from company to crown. *Alice B. McGinty*. Current Hist. Feb., 1947.
- Indo-China. Conflict in Indo-China. *Editors*. Amerasia. Jan., 1947.
- Indonesia. Indonesia at the crossroads. *J. A. Verdoorn*. Conditions for Indonesian independence. *J. H. Bocke*. Pacific Affairs. Dec., 1946.
- . The Netherlands and Indonesia. *Ronald S. Kain*. Yale Rev. Winter, 1947.
- . The rise of the Indonesian republic. *Editors*. Amerasia. Jan., 1947.
- Italy. Postwar inflation and fiscal-monetary policy in Japan. *K. K. Kurihara*. Am. Econ. Rev. Dec., 1946.
- . Reconstruction in Italy. *Richard Gould-Adams*. Quarterly Rev. Jan., 1947.
- . Christian democracy in Italy. *Mario Einaudi*. Rev. of Pol. Jan., 1947.
- Yugoslavia. Nationality problems and partisan Yugoslavia. *Dinko Tomasic*. Jour. of Cent. Eur. Affairs. July, 1946.
- . In defense of Mihailovich. *Constantin Fotich*. Atlan. Mo. Dec., 1946.
- . How UNRRA bolstered Tito. *Eric L. Pridonoff*. Am. Mercury. Jan., 1947.

- Malaya. Britain faces a new Malaya. *Editors*. Amerasia. Jan., 1947.
- Mexico. The contested Mexican election of 1812. *Nettie Lee Benson*. *Hisp. Am. Hist. Rev.* Aug., 1946.
- Netherlands. New trends in Dutch foreign policy. *J. Barents*. *For. Affairs*. Jan., 1947.
- New Caledonia. New Caledonia and the war. *G. F. R.* *Pacific Affairs*. Dec., 1946.
- Palestine. Impasse in the holy land. *Claris Edwin Silcox*. *Univ. of Toronto Quar.* Jan., 1947.
- . The Zionist illusion. *W. T. Stace*. *Atlan. Mo.* Feb., 1947.
- Philippines. Roxas violates constitution. *Ramon Diokno*. *Amerasia*. Dec., 1946.
- . Unfinished business in the Philippines. *Louis H. Pink*. *For. Affairs*. Jan., 1947.
- Poland. Poland—past and present. *W. J. Ross*. *Int. Jour.* Winter, 1946–47.
- . The educational institutions of Polish Jewry (1921–1934). *Nathan Eck*. *Jewish Soc. Studies*. Jan., 1947.
- Rumania. Rumania after the elections. *A. J. Fischer*. *Contemp. Rev.* Jan., 1947.
- Siam. Incident in Siam. *Dillon Ripley*. *Yale Rev.* Winter, 1947.
- South Africa. The criminal liability of a company, its directors and its servants. *T. B. Barlow*. *So. Afr. Law Jour.* Nov., 1946.
- . Colour policy in South Africa. *Correspondent*. Round Table. Dec., 1946.
- . J. C. Smuts: South Africa. *Alice R. Craemer*. *Current Hist.* Jan., 1947.
- Soviet Union. Soviet family law in the light of Russian history and Marxist theory. *H. J. Berman*. *Yale Law Jour.* Nov., 1946.
- . Non-orthodox religions in the U.S.S.R. *John S. Curtiss*. Crop migrations in the Soviet Union. *Michael Shapovalov*. Ferrous metallurgy in the new five-year plan. *N. Yermenko*. *Am. Rev. on the Sov. Union*. Nov., 1946.
- . The Russian succession—II. *Edward Crankshaw*. *Nat. Rev.* Dec., 1946.
- . Royal commission [Russia spies]. *F. A. Voigt*. *Nine. Cent. and After*. Dec., 1946.
- . The national income of Soviet Russia. *Julius Wyler*. *Soc. Research*. Dec., 1946.
- . Reforms under Czar Alexander I; French and American influences. *Geroge Vernadsky*. The present purge in the U.S.S.R. *Barrington Moore, Jr.* *Rev. of Pol.* Jan., 1947.
- . Marriage and divorce in Soviet law. *Vladimir Gsovski*. *Georgetown Law Jour.* Jan., 1947.

INTERNATIONAL RELATIONS

Books and Pamphlets

- Carr, Edward Hallet*. The Soviet impact on the western world. Pp. 121. N. Y.: Macmillan. 1947.
- Ciechanowski, Jan.* Defeat in victory. Pp. 413. N. Y.: Doubleday. 1947.
- Feis, Herbert*. Seen from E. A.; three international episodes. Pp. 331. N. Y.: Knopf. 1947.
- Hawtrey, R. G.* Bretton Woods; for better or worse. Pp. 142. London: Longmans. 1946.
- Heilperin, Michael A.* The trade of nations. Pp. 260. N. Y.: Knopf. 1947.
- Hussar, George B.*, ed. Persistent international issues. Pp. 262. N. Y.: Harper. 1947.

Hyamson, A. M. A dictionary of international affairs. Pp. 353. London: Methuen. 1946.

Jones, J. Mervyn. Full powers and ratification: study in development of treaty-making procedure. Pp. 182. London: Cambridge Univ. Press. 1946.

Knudson, Albert C. The philosophy of war and peace. Pp. 221. N. Y.: Abingdon-Cokesbury. 1947.

Levitan, Joseph D. Our Kampf; our campaign to win the peace. Pp. 60. N. Y. William-Frederick Press. 1946.

Mukerjee, Radhakamal. Races, lands, and food; a program for world subsistence; introd. by H. L. Ickes. Pp. 112. N. Y.: Dryden Press. 1946.

Nearing, Scott. War or peace? Pp. 96. N. Y.: Island Press. 1946.

Social Action. UNRRA and after. Pp. 39. Social Action. 1946.

Thompson, W. S. Population and peace in the Pacific. Pp. 397. Chicago: Univ. of Chicago Press. 1946.

Thomson, David, and Others. Patterns of peacemaking. Pp. 399. N. Y.: Oxford. 1945.

Articles

Aëronautics. International private air law and the carriage by air act, 1946. *A. M. Conradie.* So. Afr. Law Jour. Nov., 1946.

Australia. Australia and the international labour conventions. *K. H. Bailey.* Int. Labour Rev. Nov.-Dec., 1946.

———. Australia in world affairs. *C. Hartley Gratton.* Current Hist. Jan., 1947.

Atomic Energy. Control of atomic energy by the United Nations. *Emile Benoit-Smullyan.* Antioch Rev. Dec., 1946.

———. If the atomic bomb had not been used. *Karl T. Compton.* Atlan. Mo. Dec., 1946.

———. The decision to use the atomic bomb. *Henry L. Stimson.* Harper's. Feb., 1947.

British Commonwealth. The British dominions and regionalism. *Werner Levi.* Rev. of Pol. Jan., 1947.

Canada. Canada's international mission. *George Adamkiewicz.* Dalhousie Rev. Oct., 1946.

———. The B.C.A.T.P. and defence policy. *Terence Sheard.* Int. Jour. Winter, 1946-47.

China. China: equality. *No-Yong Park.* Current Hist. Dec., 1946.

Disarmament. Disarmament in the atomic age. *Allen W. Dulles.* For. Affairs. Jan., 1947.

Food. World nutrition and agrarian stability—proposals for a food board. *Blair Bolles.* For. Policy Rep. Dec. 1, 1946.

Germany. Germany: self-government. *Sidney B. Fay.* Current Hist. Dec., 1946.

———. Germany: test tube of peace. *Ross N. Berkes.* Am. Scholar. Winter, 1946-47.

Great Britain. Britain and Siam; the latest phase. *Alec Peterson.* Pacific Affairs. Dec., 1946.

———. Franco-British union. *B. S. Townroe.* Nat. Rev. Dec., 1946.

———. Great Britain: freedom. *Alzada Comstock.* Current Hist. Dec., 1946.

———. France and the Latins: protection. *E. J. Knapton.* Current Hist. Dec., 1946.

———. Morals and foreign policy. *R. Arnold Jones.* Contemp. Rev. Dec., 1946.

International Law. Enemy prisoners of war. *Martin Tollefson.* Iowa Law Rev. Nov., 1946.

———. Responsibility of states for injuries to individuals. *Philip C. Jessup*. Columbia Law Rev. Nov., 1946.

International Trade and Finance. Impact of U.S. economy on world trade. *H. H. Hutcheson*. For. Policy Rep. Dec. 15, 1947.

———. Coöperatives, governments, and world trade. *M. D. Lincoln*. Free World. Dec., 1946.

———. The conflict over trade ideologies. *Herbert Feis*. For. Affairs. Jan., 1947.

Japan. Japan: regeneration. *Siegfried Garbuny*. Current Hist. Dec., 1946.

Korea. Korean dilemma. *Marion M. Montague*. World Affairs. Dec., 1946.

Labor. International labour legislation. *Henry Binet*. Canadian Bar Rev. Dec., 1946.

———. The W.F.T.U. at work. *Editors*. Labour. Jan., 1947.

Peace Problems. Le bilan moral de l'après guerre. *Maria Rossi*. Rev. de Droit Int. Apr.-Sept., 1946.

———. Peace at Paris, 1946; part II. *Editors*. Current Hist. Oct., 1946.

———. Trieste. *Richard Schuller*. Soc. Research. Dec., 1946.

———. A year of peace. *Walter Lippmann*. Atlan. Mo. Dec., 1946.

———. The "redefinition" of Germany and Europe's peace. *Michael A. Heilperin*. The big three; their aims and interests. *Ross W. Collins*. Int. Jour. Winter, 1946-47.

———. Peacemaking at Paris: success, failure, or farce? *Harold Nicolson*. For. Affairs. Jan., 1947.

———. The straits; crux of world politics. *Ahmed Sükrü Esmer*. For. Affairs. Jan., 1947.

———. Freedom of the Danube. *Charlotte B. Rasmussen*. Current Hist. Jan., 1947.

———. Japan and Germany; problems in reëducation. *George F. Zook*. Int. Conciliation. Jan., 1947.

———. Evaluating the Potsdam plan. *F. A. Hermens*. Am. Jour. of Econ. & Sociol. Jan., 1947.

———. The real issues in Europe. *Doreen Warriner*. Pol. Quar. Jan.-Mar., 1947.

Population. Population and power. *Kimball Young*. Social Forces. Oct., 1946.

Regions. A Latin American bloc? *Lisandro Montes*. Free World. Dec., 1946.

———. Latin America; the little forty-six. *H. B. Murkland*. Current Hist. Dec., 1946.

Soviet Union. The Soviet Union; cordon sanitaire. *Frederick L. Schuman*. Current Hist. Dec., 1946.

———. L'U.R.S.S. et la guerre. *François de Romainville*. Rev. Pol. et Parl. Dec., 1946.

———. Basic elements in Soviet-American relations. *Calvin B. Hoover*. Va. Quar. Rev. Winter, 1947.

———. The expansion of Russia. *A. L. Kennedy*. Quarterly Rev. Jan., 1947.

———. Russia and the powers. *M. Philips Price*. Contemp. Rev. Jan., 1947.

Spain. Spain, U.N.O., and Giral. *Arthur F. Loveday*. Quarterly Rev. Jan., 1947.

Switzerland. As Switzerland sees it. *Carl J. Friedrich*. Atlan. Mo. Dec., 1946.

———. Switzerland and Europe. *W. W. Schutz*. Contemp. Rev. Dec., 1946.

Trusteeships. Mandates and trusteeships; with particular reference to Palestine. *W. E. Rappard*. Jour. of Pol. Nov., 1946.

Vatican. Reflections on the nature and status of concordats. *Willibald M. Plöchl*. The Jurist. Jan., 1947.

———. Pope Pius XII, apostle of world peace. *D. A. MacLean*. Am. Jour. of Econ. & Sociol. Jan., 1947.

War Crimes. *Grandes criminels de guerre.* H. Carton de Wiart. Le troisième Nuremberg. *Emil S. Rappaport.* L'establissement d'une paix durable par l'application d'un nouveau droit pénal international. *M. Engelson.* La procédure à Nuremberg. *A. Trainins.* La signification suprême du procès de Nuremberg. *Fred Eccard.* *Rev. de Droit Int.* Apr.-Sept., 1946.

———. *Lessons of Nuremberg.* *Felix E. Hirsch.* *Current Hist.* Oct., 1946.

———. *International crimes.* *Max Radin.* *Iowa Law Rev.* Nov., 1946.

———. *The Nuernberg trial.* *J. J. Parker.* *Jour. of Am. Judicature Soc.* Dec., 1946.

———. *Nuremberg in retrospect.* *Editors.* *Round Table.* Dec., 1946.

———. *Nuremberg in retrospect.* *Charles E. Wyzanski, Jr.* *Atlan. Mo.* Dec., 1946.

———. *The Nuremberg trial; landmark in law.* *Henry L. Stimson.* *For. Affairs.* Jan., 1947.

———. *The Nuremberg trials.* *Tappan Gregory.* *Conn. Bar Jour.* Jan., 1947.

———. *The Nürnberg trial.* *T. J. Dodd.* *Pa. Bar Assoc. Quar.* Jan., 1947.

World Culture. *Science and world culture.* *T. Swann Harding.* *Free World.* Dec., 1947.

World Organization. *La révision des traités et la charte des Nations Unies.* *Antonii M. Nicoloff.* *Rev. de Droit Int.* Apr.-Sept., 1946.

———. *The temporary social commission's report to the second session of the economic and social council of UN.* *Alice C. Shaffer.* *Social Service Rev.* Sept., 1946.

———. *UNESCO; its purpose and philosophy.* *Julian S. Huxley.* *Free World.* Dec., 1947.

———. *An analogy in support of the world court.* *John G. Buchanan.* *Jour. of Am. Judicature Soc.* Dec., 1946.

———. *Public opinion and the UN.* *Jan Masaryk.* *Free World.* Dec., 1946.

———. *The United States; one world.* *R. W. Van Alstyne.* *Current Hist.* Dec., 1946.

———. *Enforcement of world law.* *William B. Lloyd, Jr.* *World Affairs.* Dec., 1946.

———. *Peace and law.* *F. E. Dessauer.* *Int. Jour.* Winter, 1946-47.

———. *The general assembly in New York.* *Ruth C. Lawson.* *Current Hist.* Jan., 1947.

———. *Accomplishments of the commission on narcotic drugs.* *George A. Morlock.* *Dept. of State Bull.* Jan. 19, 1947.

———. *The United Nations and world government.* *E. C. Lukens.* *Pa. Bar Assoc. Quar.* Jan., 1947.

———. *The work of the general assembly.* *Ruth C. Lawson.* *Current Hist.* Feb., 1947.

World War I. *Who won world war I?* *Frederick H. Cramer.* *Current Hist.* Jan., 1947.

World War II. *Who won world war II?* *Frederick H. Cramer.* *Current Hist.* Feb., 1947.

LOCAL GOVERNMENT

Books and Pamphlets

De Vore, Harry L., Jr. *City on the Potomac; Washington in pen and ink; narrative by Martin Yosiloff.* Pp. 113. N. Y.: Beechhurst Press. 1946.

Donnelly, T. C., and Beckett, Paul. *The soil conservation problem in New Mexico.* Pp. 20. Albuquerque: Univ. of N. M. Press. 1946.

Hicks, Granville. *Small town.* Pp. 276. N. Y.: Macmillan. 1946.

Plank, E. H. A comparison of the assessed and "sales" value of property in Bernalillo county. Pp. 12. Albuquerque: Univ. of N. M. Press. 1947.

Pray, J. C. Post-appropriation budgetary control in Oklahoma. Pp. 27. Norman (Okla.): J. C. Pray. 1946.

Weitenkampf, Frank. Manhattan kaleidoscope. Pp. 290. N. Y.: Scribner. 1947.

Articles

Administration. Coördination and direction of departments. *Five City Managers.* Pub. Management. Oct., 1946.

Appearance of Cities. Improving the appearance of cities. *D. D. Rowlands.* Pub. Management. Jan., 1947.

Budgets. Justifying budgetary requests. *Irving Tenner.* Pub. Management. Oct., 1946.

Chicago Water Diversion. The Chicago water diversion controversy. *Herbert H. Naujoks.* Marquette Law Rev. Dec., 1946.

Health. Participation by state and local health departments in current medical care programs. *Joseph W. Monntin.* Am. Jour. of Pub. Health. Dec., 1946.

———. Postwar control of flies and mosquitoes in public health programs.

Mark D. Hollis and Herman L. Fellon. Am. Jour. of Pub. Health. Dec., 1946.

Local Government Abroad. American versus German city planning. *Martin Wagner.* Jour. of Land and Pub. Util. Econ. Nov., 1946.

———. Children's courts in England. *Basil L. Q. Henriques.* Jour. of Crim. Law and Criminol. Nov.-Dec., 1946.

———. Compulsory acquisition of land by local authorities and procedure at the inquiry tribunals. *J. H. Roberts.* Pub. Admin. Autumn, 1946.

———. De la thèse aux applications dans un canton rural. *Alexander Lefas.* Rev. Pol. et Parl. Dec., 1946.

———. New towns. *Gilbert McAllister.* Pol. Quar. Jan.-Mar., 1947.

Personnel. Civil service selection of policemen. *Raymond A. Kimball.* Jour. of Crim. Law and Criminol. Nov.-Dec., 1946.

———. Management policy on employees. *O. F. Nolling.* In-service training for municipal officials. *A. W. Bromage and J. A. Perkins.* Pub. Management. Jan., 1947.

———. How to program municipal services. *H. A. Simon.* Pub. Management. Dec., 1946.

Rainfall. Local government and rainfall. *Herman Walker, Jr., and P. L. Hansen.* Am. Pol. Sci. Rev. Dec., 1946.

Soil Conservation Districts. Soil conservation districts; local democracy in a national program. *Herman Walker, Jr., and W. Robert Parks.* Jour. of Pol. Nov., 1946.

Taxation. Valuation of rural tangible personal property. *Earl K. Turner.* Taxes. Jan., 1947.

Traffic. Better street use with traffic signals. *E. J. Reeder.* Am. City. Jan., 1947.

Urban Land. Monopolistic competition and the use and price of urban land service. *Joseph J. Spengler.* Jour. of Pol. Econ. Oct., 1946.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Bryson, Lyman. Science and freedom. Pp. 202. N. Y.: Columbia Univ. Press. 1947.

Civardi, Luigi. Cristianesimo e vita sociale; 2nd ed. Pp. 119. Rome: Editrice A. V. E. 1945.

De Ruggiero, Guido. Existentialism; tr. from Italian. Pp. 52. London: Secker. 1946.

- Dingwall, Eric J.* Racial pride and prejudice. Pp. 246. London: Watts. 1946.
- Donner, Henry W.* Introduction to Utopia. Pp. 119. London: Sidgwick & Jackson. 1945.
- Hertzler, J. O.* Social institutions; rev. Pp. 356. Lincoln (Neb.): Univ. of Neb. Press. 1946.
- Landy, A.* Marxism and the democratic tradition. Pp. 220. N. Y. Int. Pubrs. 1946.
- Latourette, K. S., ed.* The gospel, the church, and the world. Pp. 245. N. Y.: Harper. 1946.
- MacIver, Robert M.* The web of government. Pp. 498. Macmillan. 1947.
- Mill, John S.* On liberty; and considerations on representative government; new ed.; ed. by R. B. McCallum. Pp. 324. Oxford (Eng.): B. Blackwell. 1946.
- Monnerot, Jules.* Les faits sociaux ne sont pas des choses. Pp. 241.
- Padover, S. K., comp.* Thomas Jefferson on democracy. Pp. 186. N. Y.: Penguin Bks. 1946.
- Schumpeter, Joseph A.* Capitalism, socialism, and democracy; 2nd ed. Pp. 425. N. Y.: Harper. 1947.
- Spahn, Carl A.* Staatsmacht und Individualsphäre. Pp. 262. Zurich. Fretz & Wasmuth Verlag Ag. 1944.
- Tawney, Richard Henry.* Religion and the rise of capitalism; a historical study. New print. Pp. 356. N. Y.: Harcourt. 1947.

Articles

- Aristotle. Aristotle's conception of the development and the nature of scientific method. *Richard Mc Keon.* Jour. of the Hist. of Ideas. Jan., 1947.
- Baer. On Baer and his philosophy of Jewish history. *Isaiah Sonne.* Jewish Soc. Studies. Jan., 1947.
- Balance of Power. The balance of power in society. *Frank Tannenbaum.* Pol. Sci. Quar. Dec., 1946.
- Case. The writings of Clarence Marsh Case. *Esther Penchef.* Sociology and Soc. Research. Jan.-Feb., 1947.
- Church. The church and the economic order. *M. H. Hunter.* Social Sci. Jan., 1947.
- Democracy. De Tocqueville and democracy. *Wyndham Lewis.* Sewanee Rev. Autumn, 1946.
- . Close-up of democracy. *Carl Dreher.* Va. Quar. Rev. Winter, 1947.
- . The philosophic background of christian democracy. *Luigi Sturzo.* Rev. of Pol. Jan., 1947.
- . Democracy in the American tradition. *T. S. Harding.* Am. Jour. of Econ. & Sociol. Jan., 1947.
- Emerson. Emerson's pragmatic mood. *Edward C. Lindeman.* Am. Scholar. Winter, 1946-47.
- Erasmus. Erasmus on the functions of Christian humanism. *Fritz Caspari.* Jour of the Hist. of Ideas. Jan., 1947.
- George. Henry George and Karl Marx. *J. H. Holmes.* Am. Jour. of Econ. & Sociol. Jan., 1947.
- Human Nature. Human nature and politics. *Francis G. Wilson.* Jour. of Pol. Nov., 1946.
- . Man versus atom. *Edwin M. Poter.* Social Sci. Jan., 1947.
- Ideals. The conservation and synthesis of values and ideals by institutions. *Radhakamal Mukerjee.* Social Forces. Dec., 1946.
- Individual Development. Philosophy of individual development. *G. W. Esty.* Am. Jour. of Econ. & Sociol. Jan., 1947.

- Jurisprudence. The trail of the calf. *Max Radin*. Cornell Law Quar. Nov., 1946.
- Leibniz. Leibniz's theory of law. *Huntington Cairns*. Harvard Law Rev. Dec., 1946.
- Liberalism. Liberalism and individual liberty. *A. Mitchell*. Am. Jour. of Econ. & Sociol. Jan., 1947.
- Marx. Marx and the modern mind. *Thomas P. Neill*. Cath. World. Feb., 1947.
- Militarism. Military morality. *Howard B. White*. Soc. Research. Dec., 1946.
- Neilson. Crusader for justice. *W. Lissner*. Francis Neilson; an appreciation. *J. Hervey*. Am. Jour. of Econ. & Sociol. Jan., 1947.
- Nineteenth Century America. Philosophical trends in nineteenth-century America. *Thomas A. Goudge*. Univ. of Toronto Quar. Jan., 1947.
- Pegny. The humanism of Pegny. *Rachel Besspaloff*. Rev. of Pol. Jan., 1947.
- Personality. Interrelated patterns of community and personality. *Bessie A. McClenahan*. Sociology and Soc. Research. Jan.-Feb., 1947.
- Pluralism. Uniformity and pluralism. *Feliks Gross*. Social Sci. Jan., 1947.
- Progress. The religion of progress. *Albert Salomon*. Soc. Research. Dec., 1946.
- . The idea of progress. *Sidney B. Fay*. Am. Hist. Rev. Jan., 1947.
- Bertrand Russell. A landmark in philosophy. *C. E. M. Joad*. Fortnightly. Jan., 1947.
- . Bertrand Russell's caprice. *John G. Vance*. Nine. Cent. and After. Jan., 1947.
- Saint-Simonians. The Jewish Saint-Simonians and socialist antisemites in France. *Zosa Szajkowski*. Jewish Soc. Studies. Jan., 1947.
- Science. Social salvation through science. *Jessie Bernard*. So. Atlan. Quar. Jan., 1947.
- Shaw. Shaw, war, and peace; 1894-1919. *William Irvine*. For. Affairs. Jan., 1947.
- State. The state in the modern world. *Edgar Stern-Rubarth*. Contemp. Rev. Jan., 1947.
- Thought and Action. Thought and action; a meditation on the principles of political science. *Helmut Kuhn*. Jour. of Pol. Nov., 1946.
- Toynbee. Arnold Toynbee: the boldest historian. *Granville Hicks*. Harper's. Feb., 1947.
- Tucker. Georger Tucker: Liberal southern social scientist. *Jessie Bernard*. Social Forces. Dec., 1946.
- Von Wiese. Sociology of Leopold von Wiese. *Clement S. Mihanovich*. Sociology and Soc. Research. Jan.-Feb., 1947.
- Whitman. Whitman's political thought. *Richmond C. Beatty*. So. Atlan. Quar. Jan., 1947.
- Edmund Wilson. The intransigence of Edmund Wilson. *Granville Hicks*. Antioch Rev. Dec., 1946.
- Chauncey Wright. Chauncey Wright; radical empiricist. *Joseph L. Blau*. New England Quar. Dec., 1946.

MISCELLANEOUS

Books and Pamphlets

- Dublin, L. I., and Latka, A. J. The money value of a man; rev. ed. Pp. 231. N. Y.: Ronald Press. 1946.
- Du Bois, William Edward Burghardt. The world and Africa; an inquiry into the part which Africa has played in world history. Pp. 288. N. Y.: Viking. 1947.

Articles

- Are Professors Dangerous? Are professors dangerous? *C. E. Ayres*. How much academic freedom? *Lynn Landrum*. Southwest Rev. Winter, 1947.

Economics and Law. Economics and the study of law—the contribution of Henry C. Simons. *Wilber G. Katz*. Univ. of Chicago Law Rev. Dec., 1946.

Social Science. Novels and social science. *Norman Ward*. Dalhousie Rev. Oct., 1946.

———. The science legislation and the rôle of the social sciences. *Talcott Parsons*. Am. Sociol. Rev. Dec., 1946.

———. The parallel rôles of physical and social science. *Douglas E. Scates*. Scientific Mo. Jan., 1947.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service Commission

Efficiency rating system, effective Jan. 1, 1944, amended to Oct., 1946 . . . Washington: Govt. Ptg. Off., 1946. 16p. 5¢.

———. Retirement systems for federal employees; a selected list of references. Washington, 1946. 26 p. (mim.)

Commerce Department

Census bureau. City finances: 1945. Summary of city government finances in 1945. Washington, December, 1946. 11 p. (processed). [The cities covered are those having 1940 populations of over 25,000.]

———. County finances: 1944. Summary of county government finances in 1944. Washington, November, 1946. 15 p. (processed). Preliminary summary.

———. Elections: 1947. Elections calendar for 1947. Washington, 1947. 6 p. (processed).

———. Votes cast in presidential and congressional elections, 1928-1944 [with bibliography]. Washington: Govt. Ptg. Off., 1946. 171 p. 50¢.

———. Governmental organization. Elective offices of state and county governments. Washington, December, 1946. (mim.) (Governmental organization no. 1. No. 2 will be county boards and commissions; No. 3, governmental units overlying city areas.)

———. Governmental debt in the United States: 1946. Preliminary, Washington, December, 1946. 2 p. (processed) (A more detailed analysis, with additional tables, will be published soon.)

———. Government employment. Public employment in October, 1946. Washington, 1947. 2 p. (processed).

———. State employment in 1946. Washington, December, 1946. 10 p. (processed).

———. State finances: 1946. State debt in 1946. Preliminary. Washington, 1947. 7 p. (processed) (comparative tables).

Congress

House of representatives. Banking and currency committee. Anglo-American financial agreement. Hearings . . . 79th Cong., 2d sess., on H.J. Res 311 . . . S.J. Res. 138 . . . Washington: Govt. Ptg. Off., 1946. 675 p.

———. *Foreign affairs committee.* Reorganization of the foreign service . . . Report of the Committee . . . to accompany H.R. 6967. Washington: Govt. Ptg. Off., 1946. 230 p.

——— *Indian affairs committee*. Removal of restrictions on Indian property and for emancipation of Indians, hearings, 79th Cong., 2d sess. on H.R. 3680, H.R. 3681, and H.R. 3710 . . . Washington: Govt. Ptg. Off., 1946. 47 p. 15 p.

——— *Judiciary committee*. Report of subcommittee 4 pursuant to H. Res. 430, to investigate circumstances with respect to disposition of charges of espionage and possession of documents stolen from secret government files . . . Washington: Govt. Ptg. Off., 1946. 16 p. (H. rp. 2732, 79th Cong., 2d sess.)

——— *Postwar economic policy and planning, Special committee*. Postwar economic policy and planning, 11th [and final] report pursuant to H. Res. 60 . . . Washington: Govt. Ptg. Off., 1946. 115 p. 20 p.

——— *Territories committee*. Enabling the people of Hawaii to form constitution and state government to be admitted into the Union . . . hearings, 79th Cong., 1st-[2d] session, pursuant to H.R. 3643 . . . Washington: Govt. Ptg. Off., 1946. 75 p. 15 p.

Senate, banking, and currency committee. Anglo-American financial agreement. Hearings . . . 79th Cong., 2d sess., on S. J. Res. 138 . . . Washington: Govt. Ptg. Off., 1946. 533 p.

——— *Naval affairs committee*. Common defense department. Unification of armed forces, hearings, 79th Cong., 2d sess., on S. 2044, to promote common defense by unifying departments and agencies of the government relating to common defense . . . Washington: Govt. Ptg. Off., 1946. 351 p. 50 p.

Interior Department

Immigration and naturalization service. Naturalization. Chart, requirements for judicial and administrative naturalization under nationality act of 1940 . . . Washington: Govt. Ptg. Off., 1946. 5 p.

Labor Department

Women's bureau. Legal status of women in the United States, trends in political and civil laws, 1938-1945. Washington, 1946. 2 p. (processed).

Library of Congress

A check-list of current serials in the United States zone of Germany. Prepared by the Library of Congress Mission, Hq. U. S. Forces, European Theater. Washington, 1947, 23 p.

A guide to the law and legal literature of Paraguay. By Helen L. Clagett. Washington: Govt. Ptg. Off., 1947, 59 p. 25 p. (The publication of the remaining guides to the legal literature of Latin America has been speeded up by a simplification program which eliminates information on administrative organization and, in effect, makes these remaining guides check-lists of the holdings of the Library of Congress in these fields. Still to be printed are those for Bolivia, Mexican states, Venezuela, Chile, Peru, Uruguay, Argentina, and Brazil—in the expected order of their appearance before June 30, 1947.)

Southeast Asia, 1935-45: A selected list of reference books, compiled by Cecil Hobbs [of the Orientalia Division. Published in coöperation with the Institute of Pacific Relations.] Washington, 1946. 86 p. (processed).

Acquisition department. European imprints for the war years received in the Library of Congress and other federal libraries: part 3, French imprints, 1940-45. Washington, 1946. 284 p. (processed).

Legislative reference service. Bibliography of publications by members of the 79th Congress. G. Hemline, comp. Washington, 1946. 13 p. (mim.).

——— *Industrial relations policy*. Proposals to modify the law and practice of industrial relations and analysis of selected bills. Gustav Peck, comp. Washington, 1947, 92 p. tables. (mim.) (Public Affairs bulletin no. 48.)

——— *State law digest*. Current ideas in state legislatures 1944-45: a review of laws enacted during the biennium. Washington, 1947. 98 p. (State law digest report no. 8.)

Navy Department

Naval intelligence office, Naval records and library office. Naval documents related to United States wars with Barbary powers. v. 6, Naval operations, including diplomatic background, May, 1805-07. Washington: Govt. Ptg. Off., 1944. 768 p., map. \$4.00.

President of the United States

Budget bureau. Government offices. Digest of functions of federal agencies. Revised Sept., 1946. Washington: Govt. Ptg. Off., 1946. 56 p. [Supp. to U. S. Govt. manual.]

——— *Emergency management office, Civilian production administration*. Labor policies of National Defense Advisory Commission and OPM, May, 1940-Apr., 1942: prepared by Richard J. Purcell. Washington: Govt. Ptg. Off., 1946. 247 p. (processed).

State Department

Papers relating to the foreign relations of the United States, the Paris peace conference, 1919, v. V and VI. Washington: Govt. Ptg. Off., 1947. \$2.25 each. (Reviewed in the Dept. of State Bulletin, January 5, 1947.)

The following in the numbered series of State department publications have appeared—all from the Government Printing Office, 1946-47.

2615. Report of the West Indian conference, second session. St. Thomas, Virgin Islands, Feb. 21 to March 13, 1946. 86 p.

2630. United States economic policy toward Germany. 149 p. 40¢.

2641. Inter-American coffee agreement: Protocol between the United States of America and other American republics modifying and extending for one year the agreement of November 28, 1940 . . . 14 p. 5¢.

2642. Coöperative education: Agreement between the United States of America and the Dominican Republic . . . effective October 13, 1945. 12 p. 5¢.

2644. Wheat agreement between the United States of America, Argentina, Australia, Canada, and the United Kingdom . . . 6 p. 5¢.

2647. Purchase of Brazilian rice surpluses: agreement . . . July 20, 1945. 26 p. 10¢.

2648. Telecommunications: agreement between the government of the United States of America and certain governments of the British Commonwealth . . . Dec. 4, 1945. 11 p. 5¢.

2657. Papers relating to the foreign relations of the United States, 1931. Vol. II. 1082 p. \$3.00.

2680. The United States and economic collaboration among the countries of Europe. 18 p. 10¢.

2681. International control of atomic energy. Speech by Bernard M. Baruch . . . Oct. 8, 1946. 8 p. 5¢.

2702. International control of atomic energy. Growth of a policy. An informal summary record of the official declarations and proposals relating to the international control of atomic energy made between August 6, 1945, and October 15, 1946. 281 p. 45¢. (Reviewed in the Department of State *Bulletin*, Feb. 2, 1947, and a less technical version of Pub. 2661.)

2703. International health conference, New York, N. Y., June 19 to July 22, 1946. Report of the United States delegation, including the final act and related documents. 145 p. 35¢.

2708. American wool import policy. 19 p.
 2713. Toward effective international atomic energy control. Statement by U.S. representative to Atomic energy commission. 13 p. 5¢.
 2727. The Nürnberg judgment. A summary. 34 p. 10¢.
 2735. The United States and the United Nations. Report by the President to the Congress for the year 1946. (Report series no. 7) 221 p. 45¢.
 2745. Third session of the council of foreign ministers, New York City, Nov. 4 to December 12, 1946. 13 p.

War Department

- Military government information guide: The statutory criminal law of Germany, A translation of the German criminal code of 1871, with amendments; together with the most important supplementary penal statutes and with laws nos. 1 and 11 and proceedings no. 3 of the central court for Germany. 1946. 276 p. 45¢.
Advisory committee on military justice. Text of the report, Dec. 22, 1946. Washington, 1946. 15 p. (mim.)
Army Pearl Harbor Board. Report. Washington, 1946. 2 pts. (mim.)
Civil affairs division. Austria (territory under U.S. occupation). Military government of the United States commission, July, 1946. Washington, 1946. 250 p. (processed).
 ——— *Germany (territory under U.S. occupation), Office of Military Govt., Economics div.* A year of Potsdam: the German economy since the surrender. Arthur Settler, ed. Washington, 1946. 217 p. (mim.)
 ——— *Germany (territory under U.S. occupation), Legal and judicial affairs,* Sept. 20, 1946. Washington, 1946. 29 p. (mim.)
 ——— *France and property control.* Washington, 1946. 18 p. (mim.)

STATE AND TERRITORIAL

ALABAMA

- University, Bureau of public administration.* The legislative process in Alabama: recess and interim committees. By Hallie Farmer . . . University, 1946. 43 p. (Univ. of Alabama, Bureau of public administration publications [no.] 25).
 ——— *University bureaus of public administration.* [Papers by James W. Fesler and others.] University, 1946. 87 p. (University of Alabama, Bureau of public administration publication [no.] 23.)

CALIFORNIA

- Legislative council.* Summary of California statutory provisions conferring quasi-legislative functions upon state administrative agencies . . . Sacramento, 1946. 128 p.
University of California, Berkeley, Bureau of public administration. State and local finance and taxation; a bibliography of materials published 1941-1946. Comp. by Dorothy Campbell Tompkins . . . Berkeley, 1946. 98 p. (mim.) (Postwar bibliographies no. 2.)
Los Angeles, Bureau of budget and efficiency. Organization, administration, and management of administrative services: pt. 1, Messenger service. Los Angeles 12, 120 City Hall, 1946. 19 p. (mim.)
 ——— *Recommendations for improvement of the organization, administration, and management of the bureau of the right of way and land, Department of public works.* Los Angeles 12, 120 City Hall, 1946. 45 p.

ILLINOIS

- Department of aeronautics.* Laws pertaining to aeronautics, including those relating

to the regulation of aeronautics and the development of public airports. Springfield, 1945. 144 p. (Book I).

——— Laws pertaining to the authority of the department of aeronautics relation to aircraft, airmen, and airports. Springfield, 1945. 54 p. (Book II).

——— Laws pertaining to the powers of the political subdivisions of the state government in relation to the development of public airports. Springfield, 1945. 94 p. (Book III).

KANSAS

Legislative council. Research dept. Survey of psychiatric facilities in Kansas. Part I. Over-all objectives. Basic considerations involved in Kansas state planning . . . Topeka, 1946. 9 p. (Pub. no. 143.)

——— Regulation and licensing of professional engineers: survey of state law (with emphasis on problems of legal definition. Topeka, 1946. 30 p. (mimeo.) (Pub. no. 142.)

——— Retirement of municipal employees: analysis of the retirement problem and survey of the principal features of local and state systems . . . Topeka, 1946. 42 p. (mimeo.) (Pub. no. 144.)

KENTUCKY

University of Kentucky, Lexington, Bureau of business research. Kentucky finances, . . . Lexington, 1946. 275 p. charts. tables. (Bulletin . . . no. 12.)

MICHIGAN

Department of corrections. Corrections in Michigan; fourth biennial report, 1944. Lansing, 1946. 109 p. (Not included because of subject-matter, but because it is an example of how interesting an administrative report can be made. gives an excellent picture of the administrative and legal set-up, as an introduction to the statistical report.)

University of Michigan, Ann Arbor. Bureau of government. Reorganization of Michigan's county government [by Robert S. Ford and Claude R. Thark]. Ann Arbor, 1946. 24 p. 10¢.

Detroit, City plan commission. The civic center plan: a master plan report. Detroit, 1214 Griswold Street, 1946. 24 p. (Ser. no. 3.)

NEBRASKA

Legislative council. [Sub-committee reports on various aspects of state organization and legislation have been published in small mimeographed bulletins during 1946. Topics included are realignment of legislative committees, reports of state departments, district courts, etc.]

NEW JERSEY

Law revision and bill-drafting commission. Official manual, for use in drafting legislation for introduction in the New Jersey legislature. Trenton, Room 300 State house, 1946. 21 p., tables.

NEW YORK

Division of housing. Housing amendment to the state constitution (article XVII) public housing law, and related acts. [Albany?], 1946. 190 p.

Salary standardisation board. Ninth report: submitting a revised schedule of compensation for the positions covered by chapter 859, Laws of 1937 . . . and chapter 302, Laws of 1945 . . . Albany, 1946. 186 p.

New York City. Airport authority. Airport program for New York City, Jan. 1947. Brooklyn, Floyd Bennett Field, 1947. 42 p.

——— *Mayor's advisory transit committee*. Report. New York, 250 Hudson St., 1946. 56+xxxv p.

OREGON

Tax study commission. Property, personal, and business taxes in the Oregon revenue system: fifth preliminary research report, August, 1946. S. J. Barrick. Salem, 317 Capitol Bldg., 1946. 93 p. (mim.)

PUERTO RICO

Office of Puerto Rico, Washington, D. C. Basic statistics on Puerto Rico. S. L. Descartes, comp. Washington 6, 1026 17th St., N.W., 1946. 103 p. (processed).

RHODE ISLAND

Providence. City plan commission. Master plan for land use and population distribution. Providence 3, City Hall, 1946. 27 p. (processed). (Publication no. 4.)
——— Master plan for redevelopment of residential areas. 1946. 41 p. (Publication no. 5.)

SOUTH CAROLINA

University. Bureau of public administration. Aids for state legislators. Columbia, 1946. 25 p. (mim.) (1947 series on legislative problems, no. 2.)
Historical commission. Journal of the constitutional convention, May 10—June 3, 1790. F. M. Hutson, ed. Columbia, 1946. 38 p. \$1.50.

TENNESSEE

State planning commission. Sources of municipal revenue, December, 1946. Eleanor Keeble, comp. Nashville 3, 432 6th Ave. N., 1946. 12 p. (processed). (Publication no. 169.)

VIRGINIA

University of Virginia, University. Bureau of public administration. The administration of liquor control in Virginia. H. Wesley Ward. Charlottesville, 1946. 206 p. (mim.)

FOREIGN AND INTERNATIONAL

ARGENTINA

Ministerio del interior. Las fuerzas armadas restituyen el imperio de la soberanía popular; las elecciones generales de 1946. Buenos Aires, Imprenta de la Cámara de diputados, 1946. 2 v.

Ministry for foreign affairs and worship. Dept. of information for abroad. Argentine news, number 81. [The English language edition of this periodical, no. 81, 1946, is devoted to the victory and inauguration of General Juan D. Perón as president. There are biographical sketches and photographs of his cabinet.]

Universidad nacional de Tucumán. Facultad de derecho y ciencias sociales. Derecho social (teoría y técnica) . . . [por] Norberto Antoni. Tucumán, Editorial la Raza, 1946. 61 p.

BRAZIL

Delegação a Conferência das Nações unidas para a organização internacional, San Francisco, 1945. Relatório da delegação . . . Rio de Janeiro, Imprensa nacional, 1946. 112 p.

BULGARIA

Ministry of information and arts. Bulgaria and the allied nations: armistice agreement. Sofia, 1945. v. p. (Text in Bulgarian, Russian, English.)

Ministry of information and arts. The struggle of the Bulgarian people against fascism. Sofia, 1946. 116 p.

CHILE

Universidad de Chile. Los ministros de estados y los agentes del ejecutivo en el derecho constitucional Americano, [por] Graciela Alvarez Rojas. Santiago, 1946. 52 p. (Thesis.)

Las comisiones parlamentarias en la Cámara de diputados (desarrollo histórico y régimen legal). [por] Carlos Andrade Geywitz. Santiago, 1946. 74 p. (Thesis.)

DOMINICAN REPUBLIC

Comisión par el estudio del informe de la Brookings institution sobre "La colonización de refugiados en la República dominicana." Capacity of the Dominican republic to absorb refugees; findings of the Commission . . . Ciudad Trujillo, 1946. 120 p.

GREAT BRITAIN

Scientific and technical aspects of the control of atomic energy. London: H. M. S. O., 1946. 42 p. /1.

British information services. Reference division. Britain and trusteeships. London: H. M. S. O., 1946. 26 p.

Cabinet mission on India. Correspondence with the Congress party and the Muslim league, 20th May-29th June, 1946. London: H. M. S. O., 1946. 35 p. /6.

Foreign office. An agreement for the establishment of the Caribbean commission, Washington, 30th October, 1946. London: H. M. S. O., 1946. 8 p. /2. (Cmd. 6972, 1946.)

——— Judgment of the international military tribunal for the trial of German major war criminals (with the dissenting opinion of the Soviet member . . . London: H. M. S. O., 1946. 149 p. 2/6. (Cmd. 6964, 1946.)

——— Memorandum of agreement . . . concerning the British and American zones of occupation in Germany, New York, 2d December, 1946. London: H. M. S. O., 1946. 5 p. /1. (Cmd. 6984, 1946.)

——— Agreements between the governments of the United Kingdom, United States of America, and Union of Soviet Socialist Republics and the government of the French Republic concerning control machinery and zones of occupation in Austria and the administration of the city of Vienna. London: H. M. S. O., 1946. 39 p. (Cmd. 6958, 1946.)

——— Economic agreement between H. M. government in the United Kingdom, and the Argentine government, Buenos Aires, Sept. 17, 1946. London: H. M. S. O., 1946. 10 p. (Cmd. 6953, 1946.) (This agreement has been the occasion of interchanges of notes between Great Britain and the United States.)

Sub-committee on the Spanish question. Report. (The Sub-committee of the United Nations was appointed on April 29, 1946, and consisted of representatives of Australia, Brazil, China, France, and Poland.) London: H. M. S. O., 1946. 103 p. 4/6.

Royal commission on equal pay. Report, 1944-46. London: H. M. S. O., 1946. 220 p. 4/. (Cmd. 6937, 1946.)

ITALY

Italian government. Considerations by the Italian government with respect to the naval clauses of the draft of the peace treaty. Rome, 1946. 38 p.

——— Additional considerations by the Italian government regarding the naval clauses of the draft peace treaty. Rome, 1946. 16 p.

Ministero dell'aeronautica. Considerazioni relative all'aviazione militare Italiana nei riguardi del trattato di pace . . . Roma, 1946. 37 p.

Ministerio della marina. Considerations regarding the merchant marine with reference to the peace treaty. Rome, 1946. 22 p.

——— Considerations regarding the Italian navy with reference to the peace draft. Rome, 1946. 78 p.

MEXICO

Congreso. Comisión permanente. La doctrina: política del buen vecino. El hombre: Franklin D. Roosevelt; homenaje del pueblo mexicano. México, 1946. 60 p.

Secretaría de relaciones exteriores. La anexión de Centroamérica a México. Documentos y escritos de Enero a Junio de 1823. Tomo IV. Compilación de Rafael Heliodoro Valle. México, 1945. 354 p. (Archivo histórico diplomático Mexicano, segunda serie, número 3.)

——— Bolívar en México, 1799-1832. Compilación . . . de Rafael Heliodoro Valle. México, 1946. 141 p. (Archivo histórico diplomático Mexicano, segunda serie, número 2.)

——— Organización y funcionamiento, servicio exterior mexicano . . . México, 1946. 32 p.

NIGERIA

Legislative council. Report of the Lagos town planning commission, with recommendations . . . Lagos, Govt. Printer., 1946. 52 p. 2/6.

PALESTINE

Government. A survey of Palestine, Jerusalem, Govt Printer, 1946. 2 v. tables. (Prepared for the use of the Anglo-American committee of inquiry.)

PANAMA

Custodio de bienes de extranjeros. Disposiciones relativas a propiedades y negocios de extranjeros. Panamá [n.d.], 14 p.

Spanish embassy, London. Office of cultural relations. Recent social reforms in Spain, 1939-1945. Martín Brugarola. 1946. 37 p.

——— *Office of information.* The Spanish question before the United Nations; an outrage on international law. 1946. 21 p.

Ministry of justice. The Red domination in Spain. Madrid, 1946. 392 p. tables.

TURKEY

Turkish information office. Convention regarding the régime of the Straits, signed at Montreux, July 20, 1936. 1946. 13 p. (mim.)

URUGUAY

Constitución de la R. O. del Uruguay aprobada en el plebiscito del 29 de noviembre de 1942. (Con un repertorio alfabético sistemático del articulado.) Montevideo, Imprenta Nacional, 1946. 303 p.

YUGOSLAVIA

Yugoslav embassy, London. The French proposal for the delimitation between Yugoslavia and Italy, and the reality. London, 1946. unpag.

——— Trieste. London, 1946. 61 p.

——— The treason of Mihailovitch: 81 military documents, Chetnik, German, Italian. London, 1945. 71 p. 2/6.

——— Trieste and the Julian March: the original Yugoslav government memo-

random on these subjects and subsequent official statements, with maps. 1946. 82 p.

——— Yugoslav constitution. London, 1946. 48 p.

INTERNATIONAL LABOR ORGANIZATION

Constitution and rules. Montreal, Organisation Internationale du Travail, 1946. 114 p. (English) 114 p. (French).

PAN AMERICAN UNION

Actas de las sesiones del Consejo interamericano económico y social, vol. I . . . Washington, Pan American Union, 1946. 145 p. (mim.)

Employment of United States citizens in Latin America. Washington, Pan American Union, 1945. 18 p. (mim.)

Inter-American conference for the maintenance of continental peace and security. Rio de Janeiro, Brazil. I. Report of the Committee of the Governing Board . . .

II. Projects and proposals submitted by the respective governments. Washington, Pan American Union, 1946. 143 p. (also a French language edition, 147 p.).

Inter-American conference of experts on copyright, Washington, D. C., 1946. Proceedings. Washington, Pan American Union, 1946. 180 leaves.

Inter-American juridical committee. Anteproyecto de declaración de los derechos y deberes internacionales del hombre e informe anexo . . . Washington, Pan American Union, 1946. 57 p. (mim.)

Treaties and conventions signed at the Third international conference of American states, Rio de Janeiro, July 23–Aug. 27, 1906. Washington, Pan American Union, 1946. 51 p. 50¢.

UNITED NATIONS

Handbook, no. 6. New York, 1946. 108 p.

Handbook. General assembly supplement. Lake Success, N. Y., 1946. 59 p.

Preliminary budget estimates of expenditure. First annual budget 1946 and second annual budget 1947. Lake Success, N. Y., 1946. 89 p.

General assembly. Official records of the first part of the first session: First committee: Political and security questions, including regulation of armaments. Summary record of meetings 11 Jan.–12 Feb., 1946. London, 1946. 35 p.

Second committee: Economic and financial questions. London, 1946. 28 p.

Third committee: Social, humanitarian, and cultural questions. London, 1946. 65 p.

Fourth committee: Trusteeship. London, 1946. 58 p.

Fifth committee: Administrative and budgetary questions. London, 1946. 70 p.

Sixth committee: Legal questions. London, 1946. 61 p.

League of nations committee: London, 1946. 25 p.

Permanent headquarters committee; Interim committee for the selection of a site for the permanent headquarters of the United Nations: Summary record of proceedings, 2–14 February, 1946; 22 December, 1945–5 February, 1946. London, 1946. 104 p. (All the above in French and English texts.)

Food and agriculture organization of the United Nations. FAO mission for Greece: Preliminary summary of findings and recommendations . . . Washington, 1946. 18 p.

——— Report of the second session of the Conference, held at Copenhagen, Denmark, 2–13 September, 1946. Washington, 1946. 70 p.

Preparatory committee of the U.N. conference on trade and employment. Report of the first session. London, 1946. 67 p.

NOTES ON SOME RECENT DOCUMENTARY MATERIALS

JAMES B. CHILDS

Library of Congress

In France, the laws enacted by the first Assemblée Nationale Constituante, which sat from November 6, 1945, to April 26, 1946, have been printed in two small octavo volumes (798 p.) at the Imprimerie de l'Assemblée Nationale Constituante, 1946, under the title *Recueil des lois adoptées par l'Assemblée nationale constituante et promulguées du 24 novembre, 1945, au 24 mai, 1946, préparées par les soins du secrétaire général de la présidence*. These two volumes mark the resumption of the very handy series of French session laws published under the title *Recueil des lois délibérées par la Chambre des députés*, beginning with the year 1881 and continuing to the 60th fascicule for January-July 10, 1940. Full text of the laws is reproduced with the exception of certain supplementary tables, conventions, treaties, agreements, etc. With each law, reference is given to the place of original publication in the *Journal officiel*, and also the legislative bill print (*projet de loi*), to the committee report, and to the slip law print as adopted by the Assembly. Arrangement is by date of promulgation. At the end of the second volume, there is an alphabetical subject index. These session laws seem to be printed mainly for the use of members of the Assembly, and it would be very desirable if they could be placed on sale, thus making them more widely accessible.

In these two volumes, certain legislation may be noted as having a special interest. The following relate to the nationalization of national enterprises: December 2, 1945, on the Banque de France and certain other large banks; April 6, 1946, on electricity and gas; April 25, 1946, on certain insurance companies; and May 17, 1946, on mineral fuel exploitation as "les Charbonnages de France." Organization of research is dealt with in the following acts: May 3, 1946, creating the Office Nationale d'Études et de Recherches Aéronautiques; and May 18, 1946, creating the Institut National de la Recherche Agronomique. Organization of local assemblies in the overseas territories is the subject of a law of May 9, 1946.

For the first Assemblée Nationale Constituante of France, the proceedings in full of the Commission de la Constitution were printed by the Imprimerie de l'Assemblée Nationale Constituante in August, 1946, in a volume of 797 pages under the title *Séances de la Commission de la Constitution, Comptes rendus analytiques imprimés en exécution de la résolution votée par l'Assemblée le 25 Avril 1946*. This important committee of 42 members sat 75 times from November 30, 1945, to April 25, 1946, in the drafting of the Constitution that was rejected in the referendum of May 5th. The report is in the main a full summary of the committee proceedings with only occasional stenographic transcription, and will be examined with interest as a step in the development of the present French constitution.

For both the first Assemblée Nationale Constituante, which sat from November 6, 1945, to April 26, 1946, and the second, which sat from June 14, 1946, to Oct. 5, 1946, a small pocket-size directory has been published under the title *Notices et portraits* printed by the Imprimerie de l'Assemblée Nationale Constituante. A page is given to each member for a portrait and very brief biographical notice including political affiliation, date and place of birth, and profession or trade. Arrangement is alphabetical by departments of France followed by Algeria and the overseas territories, there being an alphabetical index at the beginning. Indochina was not represented. Before the War, the Chambre des Députés printed regularly at the beginning

of each legislature a similar directory (*Notices et portraits*), beginning with the year 1907, and the Sénat printed officially its directory (*Notices et portraits*) in 1930, 1933, 1936, and 1939.

Returns of the elections for the two French Constituent Assemblies have been brought together with a brief analysis by Raoul Husson, former secretary-general of the Statistique Générale de la France, and published by Le Monde, Paris, 1946 (XLIV, 287 p.), under the title *Elections et referendums des 21 octobre, 1945, 5 mai et 5 juin, 1946*.

For the Peace Conference in Paris in 1946, the French government issued a compilation of 278 pages, in a form somewhat similar to the "livres jaunes" of the Ministère des Affaires Étrangères, under the title *Recueil de textes à l'usage des conférences de la paix*. The volume contains the text in French of the Atlantic Charter, the United Nations Declaration, the communiqués of the Moscow, Cairo, Teheran, Yalta, and Potsdam conferences, documents relative to the calling of the Paris Conference; the acts of capitulation and armistice for Germany, Austria, Bulgaria, Finland, Hungary, Italy, Japan, and Rumania, as well as the acts establishing control in Germany and Austria. The compilation concludes with tables showing the dates of declarations of war and of the resumption of diplomatic relations, and a topical index.

"Documents Relating to the Establishment of the Allied Control Authority" is the title of supplement no. 1 of the *Official Gazette of the Control Council for Germany* (Berlin) published April 30, 1946. The seven essential documents are reproduced in English, French, Russian, and German—the four languages used by the Control Council. A facsimile of the last pages of the originals of the act of military surrender of the High Command of the Wehrmacht on May 8, 1945, at Berlin is included.

The Legal Division of the Office of Military Government for Germany (U.S.), A.P.O. 742, has compiled in one pamphlet of 79 pages (letter paper size) all the legislation applicable in the United States Zone through May, 1946, including enactments previously published in *Military Government Gazette, Germany*, nos. 1, 2, and 3. This consolidated *Issue A* is dated June, 1946, and has the title *Military Government Gazette, Germany, United States Zone, published by the Office of Military Government for Germany (U.S.) Amtsblatt der Militärregierung, Deutschland, Amerikanische Zone, herausgegeben von Office of Military Government for Germany (U.S.)*. United States Zone refers to Greater Hesse, Württemberg-Baden, and Bavaria, including only legislation common to all, and does not refer particularly to the Bremen-Bremerhaven enclave and to the U. S. sector of Berlin. Text is given in English and German in parallel columns of Proclamation 1 (SHAEF), of Military Government Proclamations 1, 2, and of Military Government laws 1, 2, 3, 4, 5, 6, 7, 8, 51, 52, 53, 54, 55, 76, 77, 151, 153, 154, 161, 191, as well as Ordinances 1, 2, 3, 4, 5, 6, and three notices. Allied Control Authority enactments are not given.

For the Soviet Zone of Occupation in Germany, a compilation in German (57 pp.) of the enactments and orders for the year 1945 having general applicability was published in 1946 by the Verlag der Sowjetischen Militärverwaltung in Deutschland at Berlin under the title *Befehle des Obersten Chefs der Sowjetischen Militärverwaltung in Deutschland, aus dem Stab der Sowjetischen Militärverwaltung in Deutschland*. It may be noted that the compilation includes only Befehle (enactments) nos. 1, 2, 3, 4, 5, 11, 12, 13, 15, 19, 42, 92, 124 and 163. The Military Administration for the Soviet Zone was set up by Befehl no. 1, June 9, 1945. Of the

Ämtliche Bekanntmachungen of the Staff of the Military Administration, one of September 12, 1945, provided for the organization of eleven Verwaltungen, or German departments, having jurisdiction over the whole Soviet Zone in certain specified fields, there being for instance a Transportverwaltung and a Justisverwaltung.

For the state of Thuringia in the Soviet Zone, a *Regierungsblatt für das Land Thüringen* containing the state enactments and regulations, as well as subsequently the Control Council legislation, was first published at Weimar with no. 1 for July, 1945. In 1946, an official series of pamphlet compilations of legislation in force in Thuringia was begun under the title *Thüringische Gesetze und Verordnungen*.

For the French Zone of Germany, a loose-leaf compilation of the legislation in force, prepared by Marcel Martin, director of Services Juridiques et de Legislation and printed by the *Journal officiel* of the Zone, was issued at Baden Baden late in 1946, under the title *Répertoire permanent de législation, G. M. Z. F. O.* In addition to ordonnances, arrêtés, and other legislative and regulatory acts of the French Military Government are included the French texts of the Allied Military Government Enactments and of the Control Council Legislation. Wherever possible, reference is given to the original place of publication in the *Journal officiel* of the Zone. Arrangement is alphabetical by rather large topics somewhat as follows: Administration française en Allemagne, Education publique, Fonctionnaires, etc.

The Control Agreement for Austria as concluded at Vienna June 28, 1946, was printed as a supplement for no. 7, June, 1946, to the *Gazette of the Allied Commission for Austria*, the text being given in English, French, and Russian, accompanied by a German translation. In an Annex is given a list of the divisions of the Allied Commission matching one or more ministries of the Austrian government.

The provisional enactments and orders of the Norwegian government as published in the *Lovtidend* during its period of exile in London have been assembled by the Justis-og Politiedepartement as printed in the separate numbers from time to time, furnished with a systematic index and a chronological table, and published in a volume of about 650 pages at Oslo early in 1946 with the title *Norsk lovtidend, 1. og 2. avdeling ("Londonutgaven") . . . 1940-1945*. Number 1, 1940, printed at London under the date of August 15, was a revised reprint of the number printed in Norway, May 8, 1940, just before the evacuation. In 1940, three numbers were issued; in 1941, two numbers; in 1942, four numbers; in 1943, five numbers; in 1944, three numbers; in 1945, eight numbers; and a supplementary number 1940-45. A collection of these seems also to have been issued in London. This handy volume recently published at Oslo makes possible the convenient examination of all the provisional enactments of the government in exile, the separate numbers doubtless having had only a most limited distribution, and might point the way to a need for a review of the problems on which the various governments in exile made enactments.

The new constitution of Japan as promulgated on November 3, 1946, was printed in a certified official English translation, first as an extra number (9 p.), Sunday, November 3, of the *Official Gazette, English edition*, and next by the Cabinet Secretariat in a 16-page pamphlet under the title *The Constitution of Japan*. Six months from the date of promulgation, the document goes into force.

The American Political Science Review

VOL. XLI

JUNE, 1947

NO. 3

RECENT CONSTITUTION-MAKING IN FRANCE

ROBERT K. GOOCH

University of Virginia

I

The Fourth Republic in France, which at the present fateful moment is in the early days of its uncertain career, is definitely enough established to ensure that it will forever be listed among the several régimes that have prevailed in France since the Revolution. So also, the constitution of the Fourth Republic, commonly referred to as the constitution of September 28, 1946, this being the date of its adoption by the constituent assembly that formulated it, will demand a place on the proverbially long list of constitutions of France, no matter on what basis a count may be made. This constitution was ratified by the voters on October 13, 1946.

The year 1946, it will be remembered, saw the formulation of an earlier constitution in France by an earlier constituent assembly. This constitution, once drafted, succeeded in being passed by the assembly, the First National Constituent Assembly; but the closeness of the vote (309 to 249) was merely one indication of the difficulty it encountered in securing approval.¹ The date of the adoption was April 19, 1946.² The constitution was rejected at the polls on May 5, being the only constitution ever to be disapproved by the French voters.

The present constitution of France and the assembly that formulated it, namely, the Second National Constituent Assembly,

¹ By comparison, the Girondin constitution of 1793, it may be recalled, failed even of passage in the Convention; whereas the Montagnard constitution (constitution of June 24, 1793), though passed in the Convention by acclamation and overwhelmingly ratified by the voters, was never put into operation.

² It is regularly referred to as the constitution of April 15, 1946.

cannot be intelligently studied without reference to and consideration of the earlier constitution and the earlier assembly. A first and simple illustration is to be seen in the matter of the legal basis for the two assemblies.

The First National Constituent Assembly, it will be recalled, was elected on October 21, 1945, in accordance with plans formulated in July by the de Gaulle Government and approved by the Provisional Consultative Assembly. The first question submitted to referendum at the time of the election of this First National Constituent Assembly, namely, whether the Assembly should possess constituent authority, was answered so overwhelmingly in the affirmative (over 18½ millions to less than 700,000) that controversy like that concerning the power of the Convention of 1792 and of the Bordeaux Assembly of 1871 seems unlikely ever to arise, and formalistic questions about lack of continuity with the Third Republic are afforded ready answer.

Each of the two National Constituent Assemblies of 1945-46, like all similar French assemblies, differed of course from the Philadelphia and most other American constitutional conventions in the important and interesting respect that it served as an integral part of the governmental system of France at the same time that it concerned itself with the formulation of a constitution for the nation. The legal foundation for both assemblies as governing bodies was the short act set out on the back of the ballot on October 21, 1945,³ as the basis for the second question submitted to referendum. When this question, namely, whether government should temporarily be organized in accordance with the terms of the act, was answered in the affirmative, approval was likewise given to provisions stipulating that in the event of rejection of the constitution drawn up by the assembly, there should be immediate election of another constituent assembly and that the new assembly should possess the same powers as the old.

The act of November 2, 1945, which served as the basis of French government until the present constitution came into operation, is a document of no little interest. Its simple provisions deserve more

³ It subsequently became the act of November 2, 1945. A convenient English translation of the text may be found in W. H. Mallory, *Political Handbook of the World, 20th Year* (New York, 1947), pp. 63-64. A careful study of the act is made by Robert Salomon in "Le Gouvernement constitutionnel institué par la loi du 2 novembre 1945," *Revue Politique et Parlementaire*, No. 554, Mar. 10, 1946.

than passing comparison with the elaborate provisions of the constitutions formulated by the two assemblies.⁴ Such a comparison, it might be concluded by some students, lends weight to the French proverb about the superior soundness of what is provisional.

If the Second National Constituent Assembly succeeded in drafting a definitive constitutional text, it likewise took official cognizance of five other complete texts. With these documents, students of French constitutional history will doubtless wish to have some concern. Four of the draft texts were sponsored, respectively, by the M.R.P., the Communist party, the S.F.I.O., and the Republican Party of Liberty. The fifth was sponsored by a single deputy, M. Jacques Bardoux.⁵

II

The overwhelming majority by which, as has been seen, the French electors voted to vest constituent authority in the two assemblies of 1945-46 seems ample evidence of an almost unanimous desire on the part of the French people to have a new constitution. No little interest attaches to the fact that this desire for a new constitution involved not only a repudiation of Vichy, which is natural enough, but a repudiation as well of the constitution of the Third Republic. In the latter respect, the fact that this constitution had the longest life of any constitution which France has had since the Revolution carried little weight. Nor was any substantial support aroused for it by such considerations as that it had become

⁴ Though the contrast between the short act and the two long documents is doubtless less great than that between the régime under which the Constituent Assembly of 1789 operated and the régime established by the constitution of September 3, 1791, the difference seems somewhat greater than that between the régime that was evolved in 1871-75 and the régime set up by the constitution of the Third Republic.

⁵ Because of the prevailing political situation, the S.F.I.O. draft is of especial interest. The French text of the several draft constitutions, preceded by the French text of the constitution of April 15, 1946, are published in convenient form in *Secrétariat d'État à la Présidence du Conseil et à l'Information, Notes Documentaires et Études*, No. 209 (Série textes et documents—XXVIII), 3 août 1946, "Les Projets constitutionnels français." An English translation of the constitution of April 15, 1946, was printed in the *New York Times*, Apr. 23. So far as the present constitution is concerned, a convenient copy of the French text, together with extracts from declarations concerning it by party leaders, was published in France in a single folio by the National Press Association, and is readily available. An English translation was printed in the *New York Times*, Oct. 1. A somewhat better translation has been issued, as has also the French text, by the French Press and Information Service (501 Madison Avenue, New York 22).

adapted to French needs and the French character, that under it the First World War was successfully fought to a conclusion, and that it was the basis of the régime which the enemies of political democracy in France so greatly hated. The simple and sufficient explanation seems to be that the French people associate the constitution of the Third Republic with the disastrous defeat of the French armies by the Nazis in 1940, however unreasoning and in most respects unreasonable this attitude may be.⁶

With the almost unanimous desire in France for a new constitution is to be contrasted the fact that the constitution of April 15, 1946, was rejected by the voters and that the constitution of September 28, 1946, was ratified by a far from impressive vote.⁷ There was, it seems manifest, no marked agreement concerning what kind of constitution was desired.⁸ In this respect, there came into play the many controversial complexities and vagaries that give to practical French politics their peculiar fascination for the interested student.⁹ But underneath the complex and confusing details, and of course interrelated with them, there ran deep an issue between Left and Right that from a constitutional point of view is susceptible of reasonably simple formulation.

Importance attaches to recalling that the régime of the Third Republic in France was the first example in history of a system of government that was at the same time parliamentary and non-monarchical. Historically and originally, parliamentary govern-

⁶ Brief but interesting comment on the matter is made by André Géraud (Pertinax) in "The New French Constitution," *Foreign Affairs*, Vol. 25, No. 3, Apr. 1947.

⁷ The unfavorable majority in respect of the first constitution was approximately a million and a half. The percentages against and for were approximately 53 and 47. The favorable majority in respect of the second constitution was approximately a million. The approximate percentages were the reverse of those in May.

⁸ This would again seem to be connected with the irrational attitude toward the constitution of 1875, which in reality incorporated the only basic principles acceptable to the French people. Cf., in this respect, D. M. P., "French Parties and the Constitution," *The World Today*, Vol. 2, No. 10 (New Series), Oct., 1946.

⁹ The French daily press, of course, offers the best documentation in these respects. On the whole, *Le Monde* seems the best single paper through which to follow developments. However, the several organs of the leading parties are, taken together, an invaluable source. French, English, and American magazines and reviews offer certain helpful material. Especial reference may be made to two essays in English: "The Launching of the Fourth French Republic," by Charles A. Micaud, in *The Journal of Politics*, Vol. 8, No. 3, Aug., 1946; and "Political Change in France and Italy," by Mario Einaudi, in this REVIEW, Vol. 40, No. 5, Oct., 1946.

ment was, of course, the means by which reconciliation was effected between monarchy and political democracy. However, in France, as is well known, by the time political democracy had become well established, monarchy had come to have, in prevailing sentiment, such special associations that monarchy could no longer be reconciled with political democracy. On the other hand, parliamentary government became inextricably connected in the popular mind with political democracy. The result was the familiar fact that republicanism, political democracy, and parliamentary government came in France to be largely identical and interchangeable concepts. In these circumstances, the French variant of parliamentary government experienced a development during the Third Republic that took place in the presence of two opposing tendencies. A tendency for the characteristics of the parliamentary system in its classic form to survive in France was modified in a "republican" direction towards a régime in which Parliament tended to become all-powerful. It may be said that the issue of strong versus weak executive was involved. No undue over-simplification would seem to be involved in the suggestion that the postwar constitutional history of France has been, at bottom, characterized by the same opposing tendencies and the same issue. Little more than a casual study of French political controversy in the postwar period is necessary in order to find abundant evidence of the Left's support of and the Right's hostility to what has long been called in France the *régime conventionnel*, and what was frequently referred to in the two assemblies of 1945-46 as *gouvernement d'assemblée*. By the same token, Left and Right reversed their attitudes of support and hostility with respect to proposals calculated to strengthen the executive.¹⁰

It should be remembered that the question whether government should temporarily be organized in accordance with the terms of what came to be known as the act of November 2, 1945, was on October 21, 1945, less overwhelmingly approved (about 12½ to 6½

¹⁰ Pertinax stresses (*loc. cit.*) the fear that the Left felt of "presidential government." In this respect, the Left would seem to reflect the general attitude of the people. Closely interconnected is the fact that the Left, in spite of its somewhat extreme emphasis, defends the parliamentary system as such. Thus, when in the Second National Constituent Assembly a proposal was made to adopt a system like the American, based on the separation of legislature and executive, both Socialist and Communist leaders intervened to declare the parliamentary régime indispensable. *Journal Officiel*, Sept. 6, 1946, p. 3551.

millions) than the question concerning constituent authority for the assembly. It is not surprising that at this early moment considerations of practical politics began to manifest themselves. The act of November 2, 1945, was disliked by the principal elements of the Left. Sponsorship by General de Gaulle was doubtless an important consideration; but even opposition of this kind was probably not wholly a matter of politics in the narrowest sense. The position of the General and the basic character of the act appeared to the principal elements of the Left to be causally interconnected. Both were regarded as literally reactionary in terms of traditional French development of the relationship between the executive and the legislature. On the other hand, the Left, as was no doubt natural, was from the beginning accused by its opponents of stultifying, in accordance with its own pattern, the act that it had unsuccessfully opposed at the time of the referendum. So far as the constitution of April 15, 1946, is concerned, there is no doubt but that its most striking provisions implied a system of government that, while parliamentary in form, would have approached a régime of an omnipotent assembly much nearer than was ever the case under the Third Republic. Thus, M. Coste-Floret, General Reporter for the Committee on the Constitution in the Second National Constituent Assembly, asserted in his report that "one of the reasons for which the nation rejected the draft of April 19 by more than a million votes is, rightly or wrongly, its conviction that this text instituted *gouvernement d'assemblée*." The provisions of the present constitution clearly represent some swing back from this extreme, however slight it may in principle appear to students of the subject, and however it may turn out in practice to be.

It is, of course, impossible to know the extent to which the French voters, in manifesting a decided swing to the left in 1945 in choosing the members of the First National Constituent Assembly, displayed the well-known French affectation of proving how *avancés* they are by voting further left than they feel. Certainly, the result, namely, that the assembly was somewhat further left than the country itself, had far-reaching effects. The political consequences, including ultimately the elimination of General de Gaulle, will doubtless be for many years occasion for the kind of controversy that gives to French politics the peculiar interest to which reference has been made above. As has been suggested, these

consequences were, though indirectly, interconnected with the constitutional problem. The same thing is, of course, true of subsequent events. Political interpretations of rejection by the voters of the first constitution, political manoeuvres in anticipation of the election of the Second National Constituent Assembly, the results of the elections, and the character of prevailing government under the second assembly are all basic considerations against which to view the constitutional problem. In general, the Socialists, in spite of their numerical inferiority in the big three, held, not only from a political but also from a constitutional point of view, a key position in both assemblies of 1945-46. Thus, just as the Communists in the Communist-Socialist majority of the first assembly were so dependent on the Socialists that the latter could largely insist on their constitutional views, so in the second assembly the M.R.P. was similarly dependent. In this last respect, an interesting manifestation was to be seen in the fact that, whereas M. Coste-Floret, General Reporter of the Committee on the Constitution, was a member of the M.R.P., the president of the Committee was the well-known Socialist, M. André Philip, who has been called the Father of the Constitution.

From a strictly constitutional point of view, a summary of the development is susceptible of simple formulation, even though some of the questions involved cannot be answered with accurate certainty. The overwhelming mass of the French people desired a new constitution. The voters chose, for the purpose of framing this constitution, an assembly in which the constitution actually drawn up was approved only by the far Left.¹¹ This Left, at the time of its election, could not persuade a majority of the voters to pronounce against the temporary system of government which was proposed on the ballot and which was disliked by it. The constitution which it formulated itself, on what it regarded as sounder principles than those underlying the temporary system, was rejected by the voters. These voters subsequently elected a second assembly, with an axis slightly further to the right. The degree of difference was roughly the same as that of the variations between the provisions of the

¹¹ The 249 members of the assembly who voted against acceptance of the constitution were distributed as follows: 144 M.R.P.; 22 *Résistance dém. et socialiste*; 36 *Républicains de la Liberté*; 22 *Radicaux et rad. soc.*; 8 *Groupe paysan*; 15 *Républicains ind.*; 2 (Giraudoux, Marin) no group.

constitution formulated by the second assembly¹³ and the provisions of the first constitution. The second constitution proved acceptable to a majority of the voters.

III

The characteristic features of the parliamentary régime in its classic form involve subtleties that are difficult, if not impossible, to reduce to written constitutional form. Convention supplements law at so many points that differences between practice and principle tend to elude the possibility of formulation. The ideal of a nice balance between executive and legislature may, in the actual operation of particular régimes, give way to deviations from perfect equilibrium which are relatively so great that political tradition and political habits are of more far-reaching importance than constitutional provisions. In view of these simple considerations, it is not strange that in the two French National Constituent Assemblies of 1945-46 opposing tendencies manifested themselves in constitutional matters less with respect to the central issue itself than with respect to two matters which are commonly regarded as not in principle basic to the central issue. These two matters were the question of the formal structure of the legislature and the question of the position of the formal head of the state.

IV

Although a unicameral legislature is in principle perfectly consistent with parliamentary government—the system in its classic form indeed demanding that ministerial responsibility shall be primarily to one chamber¹⁵—nevertheless it is not difficult to understand that unicameralism versus bicameralism was considered a basic issue by the two National Constituent Assemblies of 1945-46 and by the country. In the first assembly, the Socialists, who remembered M. Blum's experience with the Senate in Popular Front days, were joined in the matter by the Communists, though the latter, as they were on occasion pointedly reminded,¹⁴ could

¹³ At the time of its adoption, it was disapproved by 106 (composed primarily of Radicals and of elements of the Right, including the supporters of General de Gaulle) out of 546 taking part in the vote. Cf. *J. O.*, Sept. 29, 1946, pp. 4259-4260.

¹⁵ The present constitution asserts (Art. 48) not only that the ministers shall be responsible to one house, but also that "they shall not be responsible" to the other.

¹⁴ For an interesting speech in this respect from the Communist side by M. Fajon during debate in the Second National Constituent Assembly and for a telling intervention by M. Herriot, cf. *J. O.*, Sept. 12, 1946, pp. 3648, 3650.

scarcely invoke in this respect their favorite example of Soviet Russia. These allies refused to compromise in the matter, naturally recalling, and with considerable historical accuracy, that French republican tradition demanded a single national assembly. In any event, the constitution of April 15, 1946, employed the expression, "The Sovereignty of the National Assembly," as the title of the initial section (Arts. 40-61) of the main body of its provisions; and, although meticulous formal juristic argument might make a case against the accuracy of the expression,¹⁵ employment of the rubric is not without significance. In a formal way, it reflected the practical fact of the preponderant position intended to be bestowed upon the proposed National Assembly. Thus, generally speaking, most of the members of the First National Constituent Assembly other than the Socialists and Communists saw in unicameralism the principal manifestation of the "legislative omnipotence" to which they were unalterably opposed. The two largely powerless advisory bodies that in appearance represented some modification of the unicameral principle, the Council of the French Union (Arts. 71-75) and the Economic Council (Arts. 63-64) could scarcely be seriously contended to be a potential check on the National Assembly. M. Herriot referred to them as "useless" and as "incumbrances." And from this he proceeded to state the essence of his case against the first constitution. "The single assembly," he asserted, "will absorb the executive as well." This position of the leader of the once powerful Radical party is not without interest. The party, claiming with some justice to be the traditional and typical republican party and the real heir of the French Revolution, asserted more than once during the Third Republic that the *régime conventionnel* represented its ideal. However, the Senate, from being reluctantly accepted by Gambetta and the Radicals in the beginning as the necessary price of a republic, came to be a not unimportant seat of their power; and Radical ideology was obliged to associate with Parliament its preference for subordination of the executive to an assembly. If M. Herriot's concern for the executive¹⁶ reflected the attitude of the two dozen Radical members of the First National Constituent Assembly, the new position, which was in general maintained in the Second National Constituent

¹⁵ Sovereignty is twice (Arts. 43, 47) asserted to rest with the "people"; and final voice in the matter of amendment (Art. 123) is given to the voters.

¹⁶ He might, of course, have invoked the example of the great Radical, Clemenceau.

Assembly, was doubtless to be explained in terms of complex party tactics.

After the defeat by the voters of the constitution of April 15, 1946, one common interpretation of the event was to see in it a popular expression of preference for a bicameral legislature. Even the Communists stated in the beginning that they subscribed to this interpretation, in spite of the fact that they had earlier asserted that no compromise with bicameralism was possible. As a consequence, establishment of a bicameral parliament seemed henceforth a foregone conclusion. In this respect, an outside observer might wonder whether the Parliament of the Third Republic, which had enjoyed much the longest life of any modern French assembly, might not be as good an example as was likely to be found. This seems on the whole to have been the persistent view of the Radicals. On the other hand, the body of the French people appear to have associated it with France's "disgrace," and this somewhat curious philosophy left the problem by no means easy to solve. In this context, the original position of the Communists, as stated for example on April 19, 1946, by M. Jacques Duclos, was no doubt politically sound. In the voting on October 21, 1945, the country, he asserted, "condemned the régime of 1875," concluding simply "and hence the Senate."

The Second National Constituent Assembly introduced into the terms of the present constitution a solution determined by the considerations that have been set out. The title of the first section of the main body of the constitution is no longer "The Sovereignty of the National Assembly," but merely "Sovereignty." However, the difference in terminology seems somewhat more formal than real. The present constitution states (Art. 3) that "national sovereignty belongs to the French people," an assertion contained as a matter of fact in the constitution of April 15, 1946; but the present constitution, after speaking of the exercise of sovereignty by the people in constitutional matters, stipulates that "in all other matters they shall exercise it through their deputies in the National Assembly elected by universal, equal, direct, and secret suffrage." No one of the draft texts before the Second National Constituent Assembly went so far as to suggest the expression, "Sovereignty of the National Assembly"; and all assert either that sovereignty belongs to the people or to the nation. The Communist text, in spite of the party's apparent acceptance of bicameralism, associates no other

body with the National Assembly, the latter being called (Art. 6) "the supreme organ of the Republic." The Socialists paid only superficial service to the principle of bicameralism, their draft proposing an article (Art. 49) to the effect that "Parliament shall consist of the National Assembly and of the Council of the French Union." The latter body, it will be remembered, was one of those asserted by M. Herriot in the first assembly to be "useless" and an "incumbrance"; and it was from the Socialist text (Art. 46) that was taken the provision of the present constitution, already noted, that the French people exercise their sovereignty, other than in constitutional matters, through the National Assembly. The present constitution, while retaining (Art. 25) the Economic Council¹⁷ and (Arts. 63-72) the Council of the Union,¹⁸ associates with the National Assembly to form Parliament a body known as the Council of the Republic. This second chamber was provided for in the text both of the M.R.P. (Arts. 38 et seq.) and of the Republican Party of Liberty (Arts. 40 et seq.); so that to this extent it has rightist associations. However, those two texts proposed for the Council of the Republic a subordination to the other chamber much greater than that of the Senate to the Chamber of Deputies under the Third Republic; and the provisions concerning the Council of the Republic which were incorporated into the present constitution give the Council a position that on the whole is not greatly different from the position envisaged in the texts of the M.R.P. and the Republican Party of Liberty. In general, the Council of the Republic, which is indirectly chosen (Art. 6), has considerable freedom to engage in debate of, and to suggest amendments to, measures passed by the National Assembly (Arts. 14, 20); but it has only subordinate power of initiation, and, in accordance with the provision (Art. 13) that "the National Assembly alone shall vote laws," it has no final authority.

¹⁷ For adoption by the Second National Constituent Assembly of the special statute required to determine the organization of the Council, see *J. O.*, Oct. 3, 1946, p. 4399.

¹⁸ The name is changed from Council to Assembly. For adoption by the Second National Constituent Assembly of the special statute required to determine the structure and composition of the Assembly, see *J. O.*, Oct. 3, 1946, pp. 4391-4393. Title VIII (*De l'Union française*), containing Arts. 60-82, is much the longest title of the present constitution. This is doubtless a reflection of French concern for the imperial problem. Special students of the subject find the improvement in this respect the principal mark of superiority of the present constitution over the earlier

M. Coste-Floret has suggested that the legislative system established for the Fourth Republic is one of "*monocaméralisme tempéré*." A Radical speaker asserted with some reason during debate that support of bicameralism by the Committee on the Constitution was pure pretence, since its members declared their support of two chambers only to argue throughout on the hypothesis of unicameralism. In the course of the debate, the Council of the Republic came to be called by its supporters a *chambre de réflexion*. M. André Géraud (Pertinax) asserts¹⁹ that this "is probably to say the best thing possible about its function."

V

A second essentially formal constitutional question that was elevated from the beginning into an issue in postwar France is the question of the position of the President of the Republic. In the First National Constituent Assembly, the Socialists and Communists, invoking the views of Clemenceau, declared themselves opposed to establishment of the office. This attitude would not seem to be a particularly extreme one; for a parliamentary system can in principle exist without a formal head of state. The Socialists and Communists in the first assembly not very convincingly insisted that their acceptance of the President of the Republic was evidence of their willingness to compromise in order to meet the constitutional views of other deputies. The remainder of the assembly not unnaturally found this insufficient. It is impossible to estimate how many of the members who favored a stronger executive held the confused view that, under a parliamentary system, the executive will be strengthened if a certain amount of real power is vested in the head of the state. However that may be, the Left, out of regard for this view, or for some other reason, established a position that received, and doubtless deserved, M. Herriot's soft ridicule. Neither the provisions of the Constitution of April 15, 1946, nor those of the constitution of September 28, 1946, follow the constitution of the Third Republic and numerous other European constitutions constructed on the parliamentary model, which vest in the head of the state all powers commonly regarded as executive in character, with the assurance that they will be exercised only by responsible ministers. Instead, such powers, curi-

¹⁹ *Loc. cit.*

ously enough, are distributed between the President of the Republic and the prime minister. For example, the duty of law enforcement is by both constitutions imposed²⁰ on the prime minister; but command of the armed forces is vested²¹ in the President of the Republic, who is given²² the duty of promulgating laws and authority to sign decrees for their execution. Similarly, the prime minister shares with the National Assembly the initiation of legislation,²³ a power normally vested in the head of the state; and the general power of appointment is given²⁴ to the prime minister rather than to the President of the Republic. In these respects, the interesting argument of the Committee on the Constitution in the Second National Constituent Assembly was that departure from tradition necessarily resulted from establishment in the constitution of the position of prime minister, the constitution of the Third Republic being consequently no guide in the matter. Contentions in favor of the more logical arrangement in the constitution of 1875 were brushed aside with the assertion that "something new and reasonable" was required.

So far as choice of the prime minister himself is concerned, the Left in the First National Constituent Assembly declared itself unalterably opposed to appointment by the President; but the constitution of September 28, 1946, stipulates (Art. 45) that the choice shall belong to the President of the Republic. According to the terms (Arts. 76, 94) of the earlier constitution, the head of the government was to be chosen by the National Assembly itself from among names submitted to it, after the usual consultation, by the President of the Republic. The provisions of the present constitution (Arts. 45-46) are so elaborate that the power of choice given the President is deprived of real substance. More specifically, the President, at the beginning of a legislature and in the case of vacancy at other times, must choose the prime minister; but the

²⁰ Const. April 15, Art. 78; Const. Sept. 28, Art. 47.

²¹ Const. April 15, Art. 98; Const. Sept. 28, Art. 33. However, certain new provisions of the present constitution explicitly associate the prime minister and cabinet with the *direction* of military affairs.

²² Const. April 15, Art. 102; Const. Sept. 28, Art. 36. However, in the present constitution the decree-making authority is not made explicit as in the first constitution.

²³ Const. April 15, Art. 62; Const. Sept. 28, Art. 14.

²⁴ Const. April 15, Art. 78; Const. Sept. 28, Art. 47. There are a few exceptions, stipulated in specific provisions.

latter must present himself, together with a statement of his policy, to the National Assembly for approval by a deliberate vote; whereupon he and the members he chooses for his cabinet receive formal appointment through decree of the President of the Republic. M. Herriot, in a series of interventions in debate, bitterly criticized the extra step involved in the requirement that the prime minister present himself alone to the National Assembly before naming his ministers; but he was not able to move the Committee on the Constitution or the assembly.

According to the terms of both constitutions of 1946, many ceremonial functions are to be performed by the President of the Republic. However, any distinction between formal and real power is rendered largely meaningless by the familiar stipulation²⁵ that the President is responsible only in case of high treason and that all of his acts require countersignature by the prime minister and another minister.²⁶ M. Ramadier, the present French prime minister, asserted during debate in the Second National Constituent Assembly that the matter of the President's powers is of little importance. He appeared to receive general approbation when he characterized the position as one involving "not definite power but moral authority."

Two interesting stipulations in both constitutions of 1946²⁷ are calculated to increase ministerial stability. In practically identical terms contained in the two documents, it is provided that a vote of lack of confidence or a vote of censure can be given only in accordance with a highly deliberate procedure. The question of confidence can be put only by the prime minister, and then only after a decision in the cabinet. In this case and in the case of a motion of censure, a vote in the National Assembly, which must be by roll-call, can be taken only after the lapse of a whole day.²⁸ A vote of confidence can be defeated, and a vote of censure carried, only by a majority of the whole membership. In the event of such majority, "collective resignation of the cabinet" is mandatory. Thus, the sanction for political responsibility is made explicit, this being in addition to the general declaration,²⁹ after the manner of the con-

²⁵ Const. April 15, Art. 107; Const. Sept. 28, Art. 42.

²⁶ Const. April 15, Art. 103; Const. Sept. 28, Art. 38.

²⁷ Const. April 15, Arts. 81, 82; Const. Sept. 28, Arts. 49, 50.

²⁸ The constitution of April 15 would have required a delay of two days.

²⁹ Const. April 15, Art. 80; Const. Sept. 28, Art. 48.

stitution of the Third Republic, that the ministers are collectively and individually responsible to the National Assembly. It may be noted that in all this there is, interestingly enough, fairly close resemblance to the provisions (Art I) of the act of July 2, 1945. The president of the Committee on the Constitution in the Second National Constituent Assembly, M. André Philip, did not hesitate to assert in debate that the old form of ministerial instability is "completely eliminated from now on."³⁰

On the other hand, the possibility of the dissolution of the National Assembly,³¹ perhaps the most important power of a parliamentary executive, is so hedged about as to bear little resemblance to the classic form of this feature. The constitution of September 28, 1946, dropped a provision of the constitution of April 15, 1946, whereby the National Assembly could by a two-thirds vote dissolve itself; but otherwise the provisions of the two constitutions with respect to the power differ only in detail. So far as the stipulations of the present constitution are concerned, no dissolution at all is possible within a period of eighteen months dating from the beginning of a given Parliament. Subsequently, dissolution is possible only if, within a given period of eighteen months, two ministerial crises occur occasioned either by a vote of lack of confidence or by a vote of censure. If the conditions necessary for a dissolution come to exist, decision in the matter lies with the prime minister and cabinet. Previous consultation of the President of the National Assembly is required.³²

French opposition to the traditional power of dissolution is an interesting phenomenon. Nowhere can better academic accounts of the nature of the institution be found than in France. Its essentially democratic character, involving as it does consultation of the voters, is in principle recognized. At the same time, fear of its abuse in practice is not infrequently voiced. The one dissolution of

³⁰ Such an assertion is based largely on the assumption that the majority in the National Assembly will consist of a few large well-disciplined parties. This, in turn, is connected with the much discussed prevailing electoral law and the variant of proportional representation established by it.

³¹ Const. April 15, Arts. 83, 84; Const. Sept. 28, Art. 51.

³² In the event of dissolution, it is provided (Art. 52) that current business shall be carried on by the cabinet, with the interesting and important exceptions that the President of the National Assembly shall serve as prime minister and that he shall, with the approval of the other officers of the National Assembly, appoint a new minister of the interior.

the Chamber of Deputies under the Third Republic, that by MacMahon in 1877, is invoked as a warning of possible employment of the power with a view to a *coup d'état*; and this consideration prevailed when Doumergue, following the 1934 crisis, attempted to secure amendment of the constitution of 1875. A speaker in the Second National Constituent Assembly was at bottom probably not far wrong when he asserted that the majority would not accept dissolution in its classic form because it is "in manifest contradiction with the principles of *gouvernement d'assemblée*."

Finally, the most striking respect in which the two constitutions of 1946 differ from the act of July 2, 1945, is in the matter of finance. Whereas the act (Art. V) deprived the constituent assemblies of initiative with respect to the budget,³³ the constitutions expressly give³⁴ the initiative, in the matter of expenditure, to members of the National Assembly. In this respect, the present constitution has realized some improvement over the constitution of April 15, 1946, through incorporation of a new provision (in Art. 17) that "no proposals which would tend to increase expenditures already decided upon or create new ones may be presented during discussion of the budget or of prospective or supplementary appropriations." M. Reynaud, invoking the practice and experience of the House of Commons in England, undertook in the Second National Constituent Assembly a sustained, but in the end unsuccessful, effort to confine financial initiative to the executive.

VI

The various articles of the two constitutions of 1946 in both cases exceed a hundred in number.³⁵ They naturally deal with a number of matters that are highly interesting, even though not directly connected with the central problem of the régime.

The student who feels a special interest in bills of rights and similar phenomena may find in the postwar history of France a great abundance of material for study. The constitution of April 15, 1946, contains a long initial section entitled "Declaration of the

³³ Cf., in this respect, Robert Jacomet, "L'Assemblée constituante et le budget," *Rev. Pol. et Parl.*, No. 555, Apr. 10, 1946.

³⁴ Const. April 15, Art. 69; Const. Sept. 28, Art. 17.

³⁵ The respective numbers are 134 and 106. Inasmuch as the first constitution numbers the provisions in the declaration of rights, the second constitution actually contains the greater number of articles.

Rights of Man." This consists of a brief preamble, followed by thirty-nine articles, falling into two approximately equal parts, headed respectively "Liberties" and "Social and Economic Rights." These elaborate articles include, often verbatim, some of the principal provisions of the famous Declaration of 1789; but, as might be expected, there are some significant omissions.³⁶ The remainder of the section is in general made up of certain modern refinements of traditional political rights and certain modern declarations with respect to social and economic matters. Four of the five draft constitutions introduced into the Second National Constituent Assembly contain elaborate initial sections concerned with rights and their declaration. The Communist draft confines itself to listing concisely in an early article (Art. 4) some fifteen subjects of legal guarantees. The assembly, after a debate that was long, sometimes bitter, and in some respects sterile, agreed on a short "preamble" for the present constitution. The brevity of this initial section is made possible by a mere reaffirmation of the rights of the Declaration of 1789 together with "the fundamental principles recognized by the laws of the Republic," to which is added a proclamation of a few political, economic, and social principles, "as particularly necessary in our time." In the context of this last phrase, special note may be made of a declaration of enlightened colonial policy and of a statement that "on condition of reciprocity France consents to the limitations of sovereignty necessary to the organization and defense of peace."

The amending process, as arranged in the constitution of April 15, 1946, would have involved a somewhat elaborate method of proposal at the hands of the National Assembly, followed by ratification by national referendum. The procedure defined (Art. 90) in the provisions of the present constitution is somewhat more complex. Proposal follows essentially similar lines, except that the Council of the Republic may participate; but an alternative to ratification by national referendum is arranged in the form of approval of a proposal in the National Assembly by a two-thirds vote or in both houses by a three-fifths vote.

Passing notice may be taken of a new institution stipulated for (Arts. 91-93) in the provisions of the present constitution. It is

³⁶ Opponents of the constitution of April 15, 1946, interpreted its rejection as in part due to its failure to go as far as the Declaration of 1789 in recognizing the rights of private property.

known as the Constitutional Committee. This body, composed of the presidents of the two houses of Parliament and of members chosen by the two houses from outside their own membership, meets under the chairmanship of the President of the Republic. Its general function is to consider whether acts of the National Assembly are in conflict with the terms of the constitution. The Committee is to act at the joint request of the President of the Republic and the Council of the Republic. In such a case, the primary duty of the Committee is to seek to secure agreement between the two houses of Parliament. In case of failure in this effort, it must decide without delay whether it conceives that a conflict with the constitution exists. If its decision is affirmative, the act in question cannot be promulgated; and the only positive action left to Parliament is to put the amending process into operation. Only time can tell how effective this novel institution will be.

VII

The constitution of April 15, 1946, cannot be said to have been a document possessed of no merit. Whether its provisions would have been rejected by the French voters if the constitution had not been sponsored by the Communists is at least doubtful. The present constitution seems on the whole a slightly better document. The General Reporter for the Committee on the Constitution in the First National Constituent Assembly, the former Radical, M. Pierre Cot,³⁷ maintained to the end that the earlier constitution would not have established a *régime conventionnel*. If this is true, then the present constitution will not establish such a system. The matter is in part one of definition. On the other hand, there can be little doubt but that the Left hopes and intends that the present government of France shall develop into a close approximation to such a régime. From a purely constitutional point of view, possibly a majority of the French people instinctively approve such a system. In a situation where the constitutional problem and political vagaries are inextricably intertwined, it is platitudinous to conclude that the future is highly uncertain.

³⁷ An earlier General Reporter, M. de Menthon, a member of the M.R.P. had withdrawn in March in the face of Socialist-Communist solidarity.

AMERICAN GOVERNMENT AND POLITICS

THE TERM OF OFFICE OF THE PRESIDENT

EVERETT S. BROWN

University of Michigan

On March 21, 1947, the House of Representatives concurred in the Senate amendments to House Joint Resolution 27, which proposed an amendment to the Constitution of the United States placing a limit on the number of terms a President may serve.¹ The vote in the House on so important a question was amazingly small—81 ayes, 29 noes, a total of 110 votes. Objection to the vote on the ground of absence of a quorum was made and then withdrawn. The necessary vote of two-thirds was declared to have been taken, and the way was cleared for possible ratification by the legislatures of the states.

The pertinent part of the proposed amendment in its final form is as follows:

"No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term."²

Under this amendment a President might conceivably serve not to exceed ten years. The primary object of the latter part of the complicated proposal was to except President Truman from its application. In order to be valid, the proposal must be ratified within a period of seven years after its submission to the states.

The main debate in the House, where the resolution originated, was confined to a single day, February 6.³ Democrats complained bitterly of the short time permitted for general debate, but were over-ruled by the Republican majority, which stood solidly behind the resolution. A considerable amount of the discussion was devoted to quotations from statements made by former Presidents and other prominent persons advocating a limitation on the President's tenure, and to other quotations warning of the danger of closing the door to experienced men in time of possible new emergencies.

To the assertion that what was really being proposed was to let the

¹ *Cong. Rec.*, Mar. 21, 1947, p. 2471.

² *Ibid.*, pp. 2467-2468.

³ *Ibid.*, Feb. 6, pp. 886-915.

people decide whether or not the limitation should be written into the constitution, it was replied that the present generation had no right to bind future generations, and that the Constitution should be kept as free as possible from inflexible provisions. It was argued further that a decision by state legislatures would not be a true test of the wishes of the people, since state legislators would not be elected on this issue alone but on diverse state matters. In this connection, Representative Colmer offered an amendment providing that ratification be by conventions in the states, rather than by state legislatures as provided in the original joint resolution. Defeat of this proposal was foreseen in the request of Mr. Michener for unanimous consent that all debate on it should close in ten minutes.⁴ How little the members of the House had acquainted themselves with the convention method of ratification was disclosed by Mr. O'Hara's inquiry of Mr. Colmer if it was not true that the Eighteenth Amendment had been submitted to conventions, and Mr. Colmer's reply that such was his understanding.⁵ Mr. Colmer's amendment was rejected by a vote of 74 ayes to 134 noes, and the resolution in its original form was then passed—yeas 285, nays 131, not voting 26—and sent to the Senate.⁶

The proposal emerged from the Senate Judiciary Committee with certain amendments, one of which provided for ratification by state conventions.⁷ This led to further discussion of the relative merits of the two possible methods of ratification, and it was evident that the senators, like the members of the House, had not made a careful study of the history of the ratification of the Twenty-first Amendment. Had they done so, they would have been better prepared to answer various questions on the convention method which were asked during the debate.⁸ Senator Revercomb inquired of Senator Wiley, chairman of the Committee on the Judiciary, who had reported the measure, whether or not it was incumbent upon the Senate to set up the machinery for holding conventions, or whether that must be left to the states. Senator Wiley replied that in his opinion the states would act without further direction from Congress. Senator Barkley supported the stand taken by Senator Wiley, adding that this was the procedure followed in connection with the repeal of the Eighteenth Amendment.⁹

Senator Revercomb then asked if it were not a fact that in some in-

⁴ *Ibid.*, p. 913.

⁵ *Ibid.*, p. 914. Of course it was not the Eighteenth, but the Twenty-first, Amendment which was submitted to conventions.

⁶ *Ibid.*, p. 915.

⁷ *Ibid.*, Mar. 5, p. 1744.

⁸ On this subject, see Everett S. Brown, "Ratification of the Twenty-first Amendment," in this REVIEW, Vol. XXIX (1935), pp. 1006-17; also Everett S. Brown, *Ratification of the Twenty-first Amendment to the Constitution* (Ann Arbor, 1938), and L. B. Orfield, *The Amending of the Federal Constitution* (Ann Arbor, 1942).

⁹ *Cong. Rec.*, Mar. 7, pp. 1865-1866.

stances state legislatures had resolved themselves into conventions, even though their members had been elected as members of the legislature. Senator Barkley said he would not be able to answer without further inquiry.¹⁰ He had no doubt, however, that it would be possible for a legislature to provide for a convention composed of its own members. While sitting as a convention, it would not be acting as a legislature.¹¹ Exception to this interpretation of the power of the legislature was taken by Senator Lucas, who declared that the legislature of his state (Illinois) would not dare, under the laws of the state, or under the Constitution of the United States, to attempt to sit as a convention. In his opinion, it was mandatory that the legislature call a convention.¹² Senator Barkley shifted his stand when he was asked by Senator Donnell if he did not believe that there was great doubt as to the right of a legislature to resolve itself into a convention. His reply was that "if a legislature attempted to do so, it would nullify the action of the Congress in declaring that conventions should be called." Senator Donnell endorsed this statement and asserted that such action by the legislature would circumvent the clear distinction presented by Article V of the Constitution between ratification by legislatures and ratification by conventions.¹³

Senator Revercomb was not yet satisfied with this statement of the case. If it were conceded that the state legislatures had the power to set up the machinery of holding a convention—to fix the method of selection of the delegates and the units of territory which they were to represent—what, he asked, was to prevent them from saying its members should be the delegates to the convention. Senator Donnell, in replying, first quoted Article VI of the Constitution, establishing the Constitution and laws passed in pursuance of it as the supreme law of the land, and then referred once more to Article V. If that article could be construed to authorize the legislatures to constitute themselves as conventions, then, he again argued, it was within their power to ignore the very distinction drawn by the Constitution.

Senator Revercomb wanted to know if it would be a violation of the provisions of the Constitution if persons running for election to the legislature should advocate the course above outlined, and these same persons should be selected as delegates to a convention and also as members constituting the legislature. Senator Donnell's reply was that there would be no violation, provided the electorate of the state were privileged to vote for the individuals both as members of the legislature and as members of the convention; otherwise, his interpretation of the question remained as already stated.¹⁴

¹⁰ No such procedure actually took place during the ratification of the Twenty-first Amendment.

¹¹ *Cong. Rec.*, Mar. 7, p. 1866.

¹² *Ibid.*, p. 1867.

¹³ *Ibid.*, p. 1869.

¹⁴ *Ibid.*, p. 1871.

Senator Connally not only supported Senator Donnell, but suggested that if a state legislature should assume to convert itself into a convention, the federal government could reject its action and refuse to count its vote. Senator Barkley appeared now to be completely converted to Senator Donnell's point of view, for he said that if such legislative action could take place in one state it could take place in all forty-eight, which would go to the validity of all of them in ratifying, if they did ratify.¹⁵

To anyone following the Senate debate on House Joint Resolution 27, it became quite evident that the Judiciary Committee's amendment to provide for ratification by conventions in the states stood little chance of being accepted. In the vote on the amendment, only 20 senators supported it, while 63 opposed it, and 12 abstained from voting.¹⁶

Considerable time in the debate in the Senate was devoted to discussion of proposed amendments relating to the exact number of years any President might serve; but these were merely matters of detail. The fundamental question was that of setting a definite limit and, in the words of Senator Revercomb, of establishing "a safeguard and bulwark against a possible seizure of Executive direction in this great country of ours." Congress was not a sufficient check upon the innate powers of the presidential office, which can be "mushroomed fast or gradually grown until the strength of thorough despotism may be in the hands of one man." Such a situation would be a move toward the creation of dictatorship.¹⁷

In referring to Senator Revercomb's statement, Senator Kilgore repeated the charge, made earlier in the debate, that the proposed limitation was apparently based on fear of the people of the United States, who had the final vote as to whether a President should continue to hold the office to which he had previously been elected. He quoted with approval the following statement by the late Senator Henry Cabot Lodge: "The protection of the country against caesarism or a dictatorship or a perpetual President rests in the character of the American people. No paper restriction can protect us against that. If we should reach the point where the people were ready to have a perpetual President or dictator, no constitutional provision would stand in the way."¹⁸

Senator Lucas declared that there would never be a dictatorship in this country as long as we have free elections. To deny the people a free choice in the election of President for a third or fourth term, he characterized as a limitation on their sovereignty which in an emergency might lead to a dictatorship, because in time of great danger an experienced Executive could well prevail over respect for the Constitution. He said that he had

¹⁵ *Ibid.* The comparatively long report on this part of the Senate debate appears justified for the reason that this phase of constitutional interpretation was here discussed fully for the first time.

¹⁶ *Cong. Rec.*, Mar. 10, p. 1928.

¹⁷ *Ibid.*, Mar. 12, p. 2036.

¹⁸ *Ibid.*, pp. 2036-2037.

always understood that a true democracy overlooked no opportunity to expand the rights of the people, whereas the proposed amendment violated that fundamental concept. In support of his contention, he quoted from an article by Senator Vandenberg in 1939 in which the latter wrote that decisions over presidential tenure "should be left to the patriotic and vigilant American conscience."¹⁹

As the Senate debate drew toward a close, several senators proposed other amendments relating to tenure and election of the President. A proposal by Senator Langer provided for abolition of the Electoral College and substitution of nominating primaries and popular elections.²⁰ The proposal was defeated, as was another, offered by Senator O'Daniel, fixing as a limit of tenure a single term of six years. The only vote in its favor was cast by the Senator himself.²¹

Senator Green took occasion to call attention to a number of other questions relating to the presidency on which he thought Congress ought to take action. Should the President and Vice President continue to be elected by the Electoral College, and if so, should its members be legally bound to vote in accordance with their instructions? Should provision be made for a situation where, before the choice of electors, or after such choice but before the election of President and Vice President, a candidate for the presidency or vice presidency should die, decline to run, or be found ineligible to take office if elected? Should provision be made for the case of the death of any of the individuals from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon it, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon it? Should provision be made for a case where, after election, the President-elect, or Vice President-elect, or both, should die, decline to serve, or fail to qualify? How shall the inability of the President, or individual acting as President, be determined? Should provision be made for an individual to execute the office of President in case of removal, death, resignation, or inability, both of the President and Vice President, including provision for selecting such an individual? Are there, or should there be, any differences between the status, powers, duties, and privileges of an elected President and any other individual executing the office of President?

Senator Green said that these questions had been under consideration since 1792, and while solutions to some of them had been found in part, solutions to all ought to be found. But his proposal that action on House Joint Resolution 27 be delayed until a report on the questions he had

¹⁹ *Ibid.*, pp. 2047-2049.

²⁰ *Ibid.*, pp. 2050-2052.

²¹ *Ibid.*, pp. 2053-2054. Senator O'Daniel caused a laugh by claiming credit for getting the Democrats and Republicans together on one subject.

raised could be made was defeated.²² The Senate was determined to limit its action on this occasion to tenure alone, and it did so.

Despite frequent denials to the contrary, party politics entered definitely into the debates in Congress. The principal demand for setting the time-limit on the term of the President came from Republicans, and the strongest opposition to it was offered by Democrats, who professed to see in it a slur on the memory of President Franklin D. Roosevelt. All in all, however, the debate was maintained on a fairly high plane.

The fate of the proposed amendment now rests with the legislatures of the states. If the past history of such proposals may be used as a basis for prophecy, favorable action will probably be taken, since every amendment presented to the states since the Civil War, with the lone exception of the child labor amendment, received speedy approval.²³ A two-thirds vote in both houses of Congress seems to indicate wide public support of proposed amendments. It is rather to be regretted, however, that the Senate did not insist upon ratification by state conventions, in order that there might have been a more direct test of public sentiment on a question of constitutional development which for so long has been a matter of discussion and controversy.

NEGLECTED ASPECTS OF INTERGOVERNMENTAL FISCAL RELATIONS

WYLIE KILPATRICK

U. S. Bureau of the Census

Among the luxuries that Americans indulge in during the current prosperity and high-income level is complacent disregard of the more serious aspects of intergovernmental fiscal relations. Ominous cracks and crevices in the fiscal structure temporarily close during a period when the price can be paid for disregarding them. A depression, however, uncovers already existing problems and aggravates preëxisting evils.

To canvass interlevel financial relations at a time when emergencies did not force impromptu solutions was the purpose of a round-table discussion of the American Political Science Association, convening at Cleveland, December 27 and 28, 1946. Since multiple taxation and the need for tax coördination have been examined—and will continue to be surveyed—by economists, the round-table's attention was directed rather to aspects of

²² *Ibid.*, pp. 2054-2055.

²³ Unless special sessions of numerous legislatures are called, it will be impossible to complete ratification in less than two years. In forty of the states, the legislatures meet in odd-numbered years, and the 1947 sessions of most of them have expired. Their next regular sessions will not be held until 1949.

the problem which are neglected when intergovernmental relations are viewed solely or primarily in terms of taxation. The round-table discussion of other aspects is here reported by its chairman, Wylie Kilpatrick, of the Governments Division, U. S. Bureau of the Census. Participants included Charles S. Ascher, of the National Housing Agency; Hubert R. Gallagher, associate director of the Council of State Governments; W. Brooke Graves, Legislative Reference Service, Library of Congress; I. M. Labovitz, Fiscal Division, U. S. Bureau of the Budget; and Lewis B. Sims, Governments Division, U. S. Bureau of the Census.

The shifting content of interlevel fiscal relations, changing with different periods, requires a re-survey of the current picture to prevent irrelevancy arising from considering facts which, however much they once were true, no longer obtain today. A conference before World War I would have needed a microscope to examine the new and tiny federal grants to states. Speculation would have been rife as to whether the national government would ever adequately utilize the income tax power recently granted by the Sixteenth Amendment. During the 1920's, an economy-minded conference would have been alarmed at the rapid rise of property taxes and of state and local debt, and correspondingly gratified by the simultaneous reduction of federal debt. Round-tables during the 1930's could choose many topics from the kaleidoscopic New Deal measures and might have contributed a chapter to a book on the "Economic Consequences of John Maynard Keynes," treating of the effect of compensatory spending on intergovernmental relations. The present-day note was sounded by the report of the Federal Economic Council to the President. After trouncing compensatory spending, the Council subscribed to a quasi-Keynesian concept that judicious borrowing is justified if, when, and as deficit financing brings results that can be secured in no other way.

Current Fiscal Picture. Such cautious restraint in borrowing is in keeping with the current status of governmental finance, which was summarized by Lewis B. Sims. The likely balance of the federal budget for 1947 and the anticipated balance for the following year meant that the federal government was joining state and local governments in surplus financing. So-called state "surpluses"—more accurately termed "unexpended balances"—available for general expenditure totaled \$2.9 billions on June 30, 1946, for general, highway, and postwar-reserve funds. If other state funds and all local unspent balances were added, total available balances might approach \$4.5 billions, exclusive of reserves for sinking and trust funds. Simultaneously with the accumulation of this balance, state and local debt decreased from a peak of \$20.2 billions in 1940 to \$15.9 billions in 1946. Obviously, state and local officials do not need to come to Washington with cup in hand to beg for succor. Federal aid must be evaluated on a plane entirely different from the 1930's. Federal aid now must be weighted

according to the relative functional claims of all governments on different revenue sources in relation to the degree of federal interest in functions requiring financing by more than one government.

Deferment of a large part of capital outlay and of not a little maintenance enabled states and localities to keep their expenditure on a fairly even keel during the war. Total expenditure of \$11.1 billions in 1941 rose only to \$11.5 billions by 1945 (exclusive of the double counting of inter-governmental aid). The postwar jump began in 1946, when state and local expenditure was estimated at \$12.4 billions, the increase being largely in local spending. The upward trend in payrolls, already evident during the war, was accelerated during 1946 with a moderate resumption in capital outlay. The present price level will add further to the upward trend; and any new or extended services must be paid for with inflated dollars.

In lieu of the duress of a depression, America has the duress of painful adjustment to budgets that must be balanced willy-nilly, to state and local expenditure that inevitably is rising, to sources of revenue that want relief after war strains, and to a debt trend with a likely state and local increase and a federal hoped-for decrease. As the shoe pinches more and more, questions arise as to the allocation of revenue and costs among governmental levels. The continuance of a high-level national income, if it does continue, provides no easy answer, because postwar public spending is so much bigger (especially if the federal debt is appreciably reduced) than before the war. A dip in the national income, which the Federal Economic Council holds is a possibility for 1947, will accentuate interlevel strains.

Vulnerable Position of the States. Even without a recession, numerous signs presage a cloudy and uncertain future for the states, according to Hubert R. Gallagher. Among these signs are unstable revenue, higher budget estimates, demands for salary increases, high cost of materials, drives for tax reductions, and threatened raids on reserves and tax resources by local units and bonus-seeking groups of veterans. Control over these threats is the first step in guarding the vulnerable finances of the states, and hence in lessening interlevel difficulties.

To maintain the states' solvency—and by the same token to improve intergovernmental fiscal relations—the Committee on Tax and Fiscal Policy of the Council of State Governments has urged the states to:

1. "Continue anti-inflationary policies, especially maintenance of tax rates, retention of reserves, and deferment of all except necessary capital expenditure, until inflationary pressures are eased.
2. "Prepare a long-range program for the financing of the state government, including accumulation of surpluses, incurring and management of bonded indebtedness, and changes in tax rates, so that a stable and expanding basis for state expenditure may be maintained through cyclical fluctuations in business activities.
3. "Provide for a unified annual executive budget comprehending all the revenue

and expenditure of the state, prepared by a strong permanent budget office, and integrate all aspects of financial administration, except post audit, in a single department of finance responsible to the governor.

4. "Establish a balanced combination of taxes to provide adequate average revenues through cycles in employment and business activity.

5. "Eliminate conflicts with the federal government through mutual abandonment of competing fields of taxation, so far as this is feasible.

6. "Request the federal government to adopt the following legislative programs to assist the states:

a. A clear and consistent policy for federal grants to the states; and

b. A consistent policy for payment of taxes or payments in lieu of taxes to state and local governments for certain types of federal property located within their jurisdictions."

While these recommendations, if followed, will go far toward preparing the states for the uncertain future, many other intergovernmental fiscal problems will continue to plague state officials. Of utmost importance is the fact that the state governments are unhappily in the middle. On one side, local governments, particularly the larger cities, are demanding services and crying for a larger share of the states' tax revenues or for permission to dip a municipal bucket into the states' tax resources; on the other hand, the federal government continues at a highly accelerated rate to make grants-in-aid and in other ways to incur expenditures which the states are expected to match. Congress appropriated over \$1,100 millions in 1946 for matching grants-in-aid of one kind or another. In making these appropriations, Congress did not take into consideration how these programs, most of them of a continuing nature, would affect the future financial condition of the states. The states must either put up their portion of the funds to match federal funds or lose their pro rata share of the federal appropriation.

Reexamination of Fiscal Aid. The paradoxical result is that intergovernmental aid, which is given the greatest stress in interlevel relations, is one of the most neglected aspects. That is, the accretion of diverse types of grants and shared taxes, each of which is often given minute attention, results in a "grandma's quilt" pattern, which has received slight attention as a whole. Intergovernmental aids, except for certain shared taxes, are not to governments but to bits of governments—the functions selected for preferment. The to-be-expected result is that fiscal aid, especially federal aid, distorts budgeting, which conceives of financing governments as a whole, while the grant systems work within functional compartments separate from each other.

How can state and local budgeting, subject to outside pressures, weight the relative claims of all services from a general perspective? As Dr. Joseph P. Harris demonstrated several years ago, budgeting becomes lopsided through the enforced distortion of a grant system that unthinkingly selects some services for preference and leaves others in the "doghouse."

State relations to counties, in which the states deal not with governments but with separate functions, constitute a warning for federal relations to states. The erosion of county government that followed from breaking up state relations into unrelated segments suggests a similar erosion of states if federal relations are not with governments as a whole, but merely with unrelated functional agencies. The consequence is not surprising. Functional officers compete with each other within the same units for aid from other units, and the general finance officers attempt to shake down the other units in order to keep down the tax rates eyed by the electorate. Under government by grab-bag, the federal government preëmpts lucrative revenue sources of states, which seek compensatory federal aids; the states simultaneously whittle down the local property tax base and grab sources of local revenue; and local governments look both to the federal and state governments for compensatory aids.

A controversial question of fiscal aid that heated debates prove is not neglected, except in the lack of harmonious relations, is whether federal aid intended ultimately for local governments should be channeled through the states or be directly dispensed to cities and counties. Perhaps the best that can be said for the federal government is that each aid system has sought an accommodation with the needs of each function. The present federal highway aid to local units is channeled through state highway departments because federal aid to state highways had fostered an acceptable mechanism for the state receipt and supervision of highway funds. Such a state mechanism is lacking in the housing field, pointed out Charles S. Ascher, aside from New York and a few other states. Consequently, federal aid for public housing by-passes the states and goes directly to local housing authorities.

The weakness of the particularistic solution was revealed by the long-drawn-out deadlock over federal aid for airports, culminating in the straddle of the 1946 federal airport act. Although this measure authorized the Civil Aeronautics Administration to deal directly with cities and other localities, without reference to states, a gesture to state participation allows states to prohibit local applications to the CAA and to set up state airport agencies through which federal aid will clear for local airports approved by the states. A nation-wide system of airports, in which different levels harmoniously coöperate, is jeopardized when the acrimonious Congressional debate on interlevel relations is continued in forty-eight state legislatures and hundreds of city halls, resulting in unlike systems in different states.

Part or all of these disquieting conditions may have been in the mind of the Senate Committee on Education and Labor when it reported in 1946 that "the present situation on federal grants to states and local governments is extremely chaotic." Although the Senate refrained from

authorizing an investigation of federal aid, three official organizations are undertaking a comprehensive study of the system or lack of system for federal grants. The Council of State Governments, the Governors' Conference, and the National Association of State Budget Officers will reappraise both the financial and the administrative policies involved in fiscal aid.

State-Local Relations. The question as to whether the states should serve as an intermediary between federal and local governments has emerged because, to no small degree, many states have been unequipped to deal effectively with their communities. After the experience of the 1930's, the view of not a few city officials was expressed several years ago by Mayor Scully of Pittsburgh: "We have developed a direct city-federal axis which has largely cut through our former structure of sovereign states and left them with no function in very important municipal phases. To an amazing extent, this has been the fault of the states themselves. They have simply refused to streamline their governmental facilities to meet the problems which cities face."

Not awaiting the pressures of special groups, responsible state and local officials themselves have taken the initiative in formulating reforms for state-local relations. In 1941, a survey of state supervision of local finance was completed under the auspices of the Municipal Finance Officers Association, indicating that the city officials subject to supervision approached the subject with an open mind.¹ Conversely, the Council of State Governments, composed of states whose officers supervise local finance, has recently completed a broad study that reveals a sympathetic understanding of local problems and of the need to strengthen local institutions so as to maintain a democratic balance among levels of government in our federal system.² The persuasive devices of supervision, according to the Council, are the most effective ones. State compulsion should be used only to establish minimum standards and to meet emergency situations. The types of supervision that substitute opinions of state officials for those of local officials should be avoided. State supervision should emphasize the attainment of high levels of local performance, the achievement of high local personnel standards, the expansion of training programs, and the provision of technical advice and assistance.

If the states are becoming vulnerable in their fiscal status, the localities are doubly vulnerable because their revenue position is inherently weak in their reliance upon property taxes, and largely frustrated in their search for "new" local revenues that disconcertingly turn out to be "old" ones. In consequence, local officials are increasing their drive, often with justification, to secure a larger share of state revenue. One of the most liberal

¹ See Wylie Kilpatrick, *State Supervision of Local Finance* (Public Administration Service, 1941).

² Council of State Governments, *State-Local Relations* (1946).

states in aiding localities, New York, paid 55 per cent of its total tax revenue to local units in 1946-47. Opposing a further increase in state aid, Governor Dewey in 1947 approved home rule tax laws authorizing cities and counties to choose from a "cafeteria" of sales and other locally administered taxes. How home rule? This phrase may be interpreted to mean indiscriminate addition of local sales and income taxes to already complex state and federal levies, or local surtaxes added to state rates for state collection and remission to local treasuries. An aspect of home rule in taxation likely to be neglected in the search for new revenue is the strengthening of the property tax through reform of assessed valuations and tax limits.

Undoubtedly no phase of intergovernmental relations has been given more attention than the traditional state-local relations; and no phase, likewise, is more likely to be neglected when considering federal leadership in interlevel affairs. One school of thought, the ultra-strict constitutionalist, would debar federal influence from local relations to states, which, in its view, should exclusively control. Another school of thought, the ultra-liberal, would dismiss state-local relations as archaic survivals to be circumvented. Our federal mechanism cannot function if either view prevails. In the view of W. Brooke Graves, we must visualize the whole field of intergovernmental relations and the interrelationship of all the parts. The problem is to substitute a flexible organization permitting cooperative action among the three levels of government for the "dead hand" of rigid constitutional and statutory detail without resorting to the "iron hand" of national centralization. Functions no longer are performed exclusively by one level of government; rather two, and often three, levels participate.³ Federalism can assume a new form, in keeping with the needs of modern society, if functional responsibility is so allocated as to enmesh the different governmental levels in an administration at once efficient and democratically accountable.

New Devices and Areas. Significant application of this view was given by

³ This viewpoint is illustrated by the comment of the chairman of the California Legislative Committee on Highways, Streets, and Bridges. He concluded that: "Our studies and many hearings have shown us that no satisfactory approach to this extremely difficult and expensive task can be made until we learn to look at our road plant as one vast, integrated, and interconnected system of highways, streets, and bridges which provides all our people with a unified transportation service. This service does not stop when one of its vehicles reaches the limits of a city or county line. This concept does not mean that one jurisdiction should be substituted for our four levels of government when we turn to the problem of whether the federal government, the state, the counties, or the cities should have the administrative responsibility for constructing or maintaining a link in our road system. It means that all levels of government should work together in mutual confidence and co-operation."

Dr. Graves in alluding to new governmental mechanisms. In an effort to escape from "big government," which seems unsuited to the performance of certain functions, we compromise in some cases between control either from Washington or from state capitals by regional or zone administration, the purpose of which is "to get government closer to the people." One type of regionalism facilitates centralization by setting up administrative districts unconcerned with state and local governments. This type saves traveling expenses by field agents. Another regionalism works with and through states and communities; thus self-government is revitalized rather than eroded.

When existing units of government are found inappropriate in a changing society, an already complicated public structure is made more complicated by new types of units or organs. On the federal level, governmental corporations have proliferated; on the state level, "authorities" have emerged to escape financial control; and on the local level, special-purpose districts have multiplied to do what existing governmental units ought to be prepared to do—but are not. Without a blanket condemnation, these new units tend to be "neither fish nor flesh, nor good red herring." Few criticize the creation of local authorities to administer public housing; indeed, the alternative was central control. Few criticize the creation of units of the type of the New York Port Authority, which performs an interstate rôle not provided for by other units. An acid test of too many special organizations, however, reveals unnecessary complications often made possible by lax state authorizations or by federal stimulus in dispersing loans and grants. Since interlevel relations have served as the midwife at the birth of many special units, the same relations can serve for prenatal control.

Unbalance in business and industry has occurred when the states erect impediments to the free flow of trade and commerce across state lines. This process of "balkanization" results from the erection of interstate tax and trade barriers. A federalistic balance may be attained, even when uniformity is called for, without national assumption of state prerogatives. The movement for uniform state laws is succeeding in too many areas to warrant rehearsal of the facts here. A suggestive application of this method is urged by Dr. Clarence Heer to remove tax differentials among manufacturing corporations in Southeastern states. Interstate equalization of industrial tax loads in the Southeast, although not of all taxes, could be attained by reciprocal agreements among the participating states so as to terminate the competitive undercutting of taxes as an inducement to industrialists in locating plants.

Likewise illustrating the use of existing governmental bodies—acting together instead of separately—is the Pacific Coast Board of Intergovernmental Relations. Organized in 1945, this Board meets quarterly to repre-

sent the states, cities, and counties, as well as the federal regional offices, in California, Oregon, and Washington. Participants consider mutual problems, especially where several levels are in the same field, with a view to eliminating duplication of laws and administration and to planning appropriate action by each level. Advisory conclusions are referred to responsible agencies.

These examples disclose that many of the stresses and strains among governments can be lessened, if not eliminated, by directing attention to governmental organization and area. Big problems do not necessarily call for big panaceas, but for little solutions that reduce the magnitude of the difficulty. Nowhere is this approach better illustrated than in the allocation of functional responsibility among governments. At times drastically, and at times imperceptibly, functional duties have shifted among levels so that responsibility is largely the result of accident or compromise. The painful fact is that no one knows with any degree of completeness or accuracy what is the functional allocation among types of government. A few know a great deal about a little; and a great many know a little about a great deal. Intergovernmental fiscal relations need not so much a re-survey of the tax conflicts so admirably studied by the U. S. Treasury group⁴ as a virginal plowing of the field of functional allocation, performance, and costs. A special commission of the stature of the Hoover Commission on Social Trends or of the Roosevelt Committee on Economic Security, in the opinion of Dr. Graves, is needed to take an inventory of existing functional patterns as a basis for reallocating functions and costs among governmental levels.

Mechanisms for Interlevel Coöperation. Our constitutional structure, declared I. M. Labovitz, suffers from a gap in the machinery provided for intergovernmental fiscal coöperation. Although this situation has been widely discussed, the deficiency persists because of general unfamiliarity with the specific needs for interlevel coöperation, uncertainty about the nature and functioning of any mechanism that might be established, and some interstate and state-federal competition of interests—a competition that is partly real, partly fanciful. Development of concrete proposals for intergovernmental fiscal machinery would help clarify the need and resolve the difficulties.

What tasks might be assigned to a new interlevel body in the field of fiscal affairs? Such an agency could be asked to formulate recommendations for achieving harmonious fiscal policies. On the basis of negotiations and research under its sponsorship, an intergovernmental board might produce recommendations and reports on specific current problems—for example, the resolution of tax conflicts, collaboration in tax administra-

⁴ Committee on Intergovernmental Fiscal Relations, U. S. Treasury, *Federal, State, and Local Government Fiscal Relations*, Sen. Doc. No. 69, 1943.

tion, and the effects of tax immunities like those accorded federal real estate and municipal bond interest. Another assignment could be the promotion of more complete, uniform, and informative governmental accounts, statistics, and reports. The allocation of functions and financial resources among levels of government would be a primary subject for study by an interlevel board, which might propose reassignments of functions as well as changes in grants, tax-sharing, and taxing authority.

No intergovernmental agencies should be set up without recognition of the rôles of existing agencies. Congress and the state legislatures, needless to say, exercise a primary control of fiscal policy that, instead of being impaired, would be implemented by the technical "spade-work" and advice of the proposed body. The Federal-State Relations Section of the Department of Justice serves as a clearing house within the federal government for state legislation of federal interest. Without formulating proposals, this section collaborates with legal drafting committees of the Council of State Governments and the National Association of Commissioners on Uniform State Laws. Numerous informal and extra-governmental conferences deal with fiscal coordination. So do the numerous organizations of state and local governments and officials, but their membership ordinarily represents a particular type of government or a specialized subject-matter interest. The Pacific Coast Board is one of the few interlevel organizations without restricted jurisdiction. Organizations of all these types frequently work out intergovernmental agreements on specific problems. They perform representative and consultative functions that contribute to coöperation among units of government.

The Bureau of the Budget and the Treasury Department have been compelled to consider the effect of federal taxation and expenditure on state and local finance and the reciprocal effect of state and local taxation and expenditure on federal finance. The heads of these agencies during the war were designated by the President to represent the federal government on the Joint Federal-State-Local Committee on Fiscal Policies and Practices. The functioning of this Committee, in which the Council of State Governments supplied the state-local membership, aided in achieving coordination of fiscal policies during the war. For peacetime, the Council of Economic Advisers, established under the Employment Act of 1946, has similar objectives in the interest of supporting high-level employment and production; and it is authorized to establish advisory committees. The individual federal program agencies also have varying methods and mechanisms for intergovernmental clearance, consultation, and advice. The Federal Security Agency, since its reorganization last year, has established a specialized unit to deal with federal-state relations in the welfare field.

What are the shortcomings of the existing agencies affecting intergovernmental relations? Except Congress perhaps, each is representative

of a particular type or level of government. This particularism gives rise to procedural and voting difficulties when representatives meet in joint groups. With the exception of the legislative bodies and chief executives, each agency is concerned with a limited subject-matter. Consequently, each is constrained to give specialized and fragmentary attention, rather than general consideration, to intergovernmental fiscal relations; to approach them in the light of its own responsibility and convenience; and to stop short at its own jurisdictional borders.

To overcome these limitations, the Treasury Committee on Intergovernmental Relations in 1943 recommended the creation of a Federal-State Authority, consisting of one member appointed by the President, one selected by a conference of state governors, and one named by these two. Mr. Labovitz vigorously opposed making the agency representative of governmental levels, a characteristic stressed by the Treasury suggestion that costs be shared between the federal and state governments. Such a plan would fail to correct the major shortcoming of the agencies already available to foster interlevel cooperation; the members would represent particular units and would tend to act on their behalf to "fragmentize" problems.

Under whatever name, the proposed body should be composed of citizens experienced in governmental affairs who are able to think in terms of the national system of government rather than of any one type or unit of government. Instead of spokesmen for particular points of view, what is wanted are spokesmen of the general public who can transcend and thereby reconcile conflicting points of view. The proposed body should be purely advisory and consultative, without the constraints of legislative or administrative responsibility. A continuing council of this character is necessary to meet the day-to-day problems of inter-unit relationships that arise in our federal system of government with its thousands of separate units.⁵

⁵ Interpretations and suggestions in the foregoing article are those of the participants in the panel session and are not to be imputed to the organizations with which panel members are associated.

FOREIGN GOVERNMENT AND POLITICS

DUE PROCESS FOR EX-DICTATORS; A STUDY OF JUDICIAL CONTROL OF LEGISLATION IN GUATEMALA*

J. A. C. GRANT

University of California (Los Angeles)

Early in 1931, General Jorge Ubico Castaneda established in Guatemala one of the tightest dictatorships in all Latin America. For many years, his régime was not only popular, but benevolent. General Ubico loved his country, and under his leadership there was a remarkable increase alike in administrative efficiency and public honesty. Under the *Ley de Probidad*,¹ one of his first statutes, every important government official from the president down was required to file a sworn statement upon assuming office of all property owned by him and by his immediate family, to serve as the possible basis of an accounting on termination of his services. Government employees receiving funds were required to give a receipt, made out in duplicate upon official blanks that must be accounted for, upon pain of a fine amounting to twice the amount involved, one-half of which was to be paid to the informer.² No one could tell when General Ubico would "drop in" on him to audit his books and examine his papers, as he could reach even the most out-of-the-way government offices on his motorcycle. Indeed, "government by motorcycle" became a popular phrase of the day in reference to this rugged and domineering personality.

Although the constitution provided in Article 66 that the presidential term of office should be six years, and that no president should be re-elected until he had been out of office for at least twelve years, a subservient Congress that had virtually abandoned its legislative powers to the executive called for a national plebiscite on extending General Ubico's term, and following a favorable vote the constitution was amended to provide that he should continue as president until March 15, 1943, Article 66 remaining in suspense until that date.³ Late in 1941, the constitution was again amended to extend his term another six years.⁴ Yet on July 3,

* This article grew out of short stays in Guatemala while traveling to and from Colombia to complete the research on a project begun in 1942 on a Guggenheim Fellowship but interrupted by war service. The author also wishes to thank the Social Science Research Council, which subsidized the second trip.

¹ Decreto No. 1707 of May 9, 1931.

² Decreto gubernativo No. 1222 of Feb., 1937.

³ Decreto No. 4 of July 11, 1935.

⁴ Decreto No. 2 of Sept. 12, 1941.

1944, finally having become aware of the fact that he had lost the support of the citizenry when his suspension of certain civil rights in an effort to put down a strike of university students resulted in a general strike, he resigned, handing over the government to a military junta, headed by Federico Ponce Vaides, which he himself selected before resigning.

General Ubico stayed on in Guatemala, apparently confident that the populace would soon rally to his support and demand that he be recalled to office. Instead, when his successor attempted to carry on in the Ubico manner, the *pueblo* joined with the army in the popular "Revolution of October 20," 1944, and the General and his wife, Dona Marta Lainfiesta Dorión de Ubico, were "invited" to leave the country. They went to New Orleans, where the General, deserted even by his closest friends and broken in health and spirit, died.

He did not die a broken man financially. In fact, General Ubico did quite well by himself as president. In 1933, he was voted a life pension "equivalent to the salary that the budget provides for the President" (\$1,000 per month), thus in effect doubling his salary.⁵ Later, in a statute stating that he had rendered "great services" to the country, he was granted an outright gift from the public treasury of \$200,000.⁶ But the *Junta Revolucionaria* which took over following the revolution of October 20, and served until a new Congress and a new President had been elected, was of the opinion that his real source of financial gain had been of a different nature. Stating that "during the administrations of Ex-Presidents Jorge Ubico and Federico Ponce Vaides, various public officials and employees, taking advantage of their official positions . . . acquired from institutions of credit, from different agencies of the government, and from private persons, property for less than its real value . . .," the *Junta* decreed: "Art. 1. Sales of real or personal property that have been effectuated by institutions of credit, by government agencies, or by private persons in favor of public functionaries or their relatives within the fourth degree of consanguinity or the second of affinity, for less than their real value at the time of their alienation, even though made at public auction, shall be reputed fraudulent and, in consequence, void."⁷ Although the Congress, in approving this decree, added the requirement: "And provided that compulsion in any form was used against the sellers,"⁸ this was removed by later amendment,⁹ leaving the presumption of force to follow

⁵ Decreto No. 1905 of Apr. 8, 1933. Here, as throughout the paper, I use dollars rather than quetzales because this will be more meaningful to the reader. The two have remained on a par throughout the entire period involved.

⁶ Decreto No. 2445 of Apr. 23, 1933.

⁷ Decreto No. 38 of Dec. 15, 1944.

⁸ Decreto No. 125 of May 31, 1945, Art. 1.

⁹ Decreto No. 173 of Oct. 15, 1945, Art. 1.

as a legal consequence of proof of a sale below "true" market value. Prospective plaintiffs were given four years in which to institute such suits, the period to run from the promulgation of the decree.

Under Guatemalan procedure, proof of such an issue as the value of the property when sold is made by each party hiring his own expert witnesses, a procedure that is virtually tailor-made for a plaintiff desiring to avail himself of such a statute as this. Since property values had nearly doubled in Guatemala in the decade 1935-45, almost every potential plaintiff stood to gain from a cancellation of his sale. But as the Guatemalan constitution provides that, save for certain exceptions not pertinent here, changes in the law "have no retroactive effect,"¹⁰ and since it also provides that statutes conflicting with the constitution are void *ipso jure*,¹¹ it was inevitable that the validity of this presumption of force, and its application to claims already outlawed by lapse of time, should be questioned in the courts. The test case turned out to be that of Marroquín c. Lainfiesta de Ubico,¹² in which a closely divided Supreme Court reversed the trial court and the Court of Appeals and held the statute void. The arguments of counsel and the opinions of the courts beautifully illustrate the nature and working of judicial review in Guatemala, and also show how the Guatemalan judges have been able to construe a simple prohibition against retroactive legislation in such a way as to accomplish the same ends that our own courts have accomplished with that magic phrase, "due process of law," or that the Colombian courts would reach under their specific constitutional provision that "private property and other rights acquired . . . in accordance with the civil law . . . cannot be disregarded or violated by subsequent laws."¹³

Marroquín c. Lainfiesta de Ubico. The defendant, wife of the dictator, purchased a small farm from the plaintiff in 1936 for \$4,000. On May 30, 1945, the latter sued to cancel the sale as having been made under duress for less than the true value of the property. He offered some evidence of the greater value of the property, but relied largely upon the statutory presumption of duress thereby brought into play to prove the really crucial issue. Defense counsel conceded that if the sale was made under duress it was, under recognized principles of the Guatemalan codes that needed no special statute to implement them, subject to cancellation by suit in

¹⁰ Constitution of 1945, Art. 49.

¹¹ *Ibid.*, Art. 50.

¹² The opinions of the Supreme Court, dated Apr. 4, 1946, have been published in the *Diario de Centro América*, Vol. 46, no. 51, pp. 535-536, and these, together with the opinion of the Court of Appeals, will later be published in the *Gaceta de los Tribunales*. I have used the *expedientes* in the archives of the respective courts, which, in addition to the opinions, contain all briefs and motions of counsel and all evidence introduced at the trial.

¹³ Constitution, codification of 1945, Art. 26.

the courts; but he pointed out that the statute of limitations on such suits was four years, so that in the absence of proof that for some acceptable reason, such as intimidation of the plaintiff or of the judges, the suit could not have been brought during the period of the dictatorship, the right to sue had become barred by the statute of limitations in 1940. He attacked the statute purporting to revive this cause of action nearly five years after it had expired as an unconstitutional effort to disturb a right vested under an executed contract by special legislation "deliberately passed to despoil of their property persons who are not acceptable to the current régime . . . illegally and unjustly . . ." in violation of the constitutional mandate against retroactive legislation.

The issue of the constitutionality of the statute was thus squarely presented to the trial court for ruling. It chose to uphold the law, however, and in its judgment of November 21, 1945, it ordered the property, together with all improvements, reconveyed to the seller upon repayment of the purchase price. The defendant immediately appealed, the appeal brief arguing: "Only Jesus in his omnipotence could raise Lazarus from the dead, but the present Congress with its statute cannot revive the perfected prescription because this is forbidden" by the constitutional provision against retroactive legislation. "The judges are . . . obligated to declare in concrete cases the unconstitutionality of statutes that suffer such defects. . . . Every law passed contrary to a constitutional precept is a void law, that is born dead and no judge may render a judgment based upon it."

The three-judge Court of Appeals, in a unanimous opinion dated February 4, 1946, agreed with the trial court that the plaintiff had proved that the property had been sold for less than its real value, the defendant having failed to introduce evidence to contradict the testimony of the two expert witnesses called by the plaintiff, and that the presumption of duress and consequent nullity of the sale created by the statute were thereby brought into play. It also found that there was some evidence of actual duress, but based its ruling upon the statutory presumption.

The validity of the statute was sustained by a line of reasoning that was both interesting and ingenious, and not without parallels in American constitutional decisions. Although conceding that "the legal presumption of fraud provided by the new law [was a] . . . legal innovation, . . . since no similar provision existed previously," it concluded: "Since legal presumptions are methods of proof, there is no doubt that whatever law creates, modifies, or repeals them has the characteristics of adjective or procedural law," and hence "involves no problem whatever of retroactivity," since "its legal effects are always subsequent to its enactment, even if its application may have relation to prior facts." The same is true of statutes of limitations and the rules of prescription, which furthermore

are passed to protect the public interest that the courts be not clogged with cases involving old claims rather than to create rights on the part of private litigants, especially where, as here, the civil code had not provided that causes of action concerning fraudulent contracts should "expire" in four years, but that the right to sue should "continue" for four years—a distinction of as doubtful significance in Roman as in common law, and one which the Supreme Court chose to ignore. Thus the Court of Appeals found it quite unnecessary to meet the defendant's argument of rights "vested" under an executed contract, since they had not yet—and apparently never would—become vested rights. It also held that this and other statutes passed since the revolution of October 20 justified the court in assuming, without special proof, that it would have been an idle gesture for the plaintiff to sue the defendant during the administration of her late husband, and hence in concluding that the time limit on the 1936 action, now implemented by the presumption created by the 1944-45 legislation, had not started to run at least until the resignation of General Ubico on July 3, 1944.

Not one of the five members of the Supreme Court seemed to find the reasoning of the Court of Appeals acceptable, although President Prado did insist that the statute should be sustained as necessary "to prevent the legalizing of injustices," and hence as falling within the exception authorizing retroactive legislation when required "by reasons of public order or social utility, or of national necessity."¹⁴ He was willing to overlook the fact that this exception requires a special vote by Congress and express statement in the statute, which had not been done. Magistrate Cuevas del Cid, stretching the rules of hermeneutics and pleading beyond their breaking points, chose to dodge the constitutional issue of reviving a prescribed cause of action by insisting that counsel for the defendant had not properly pleaded prescription; but he did not explain how, if at all, he proposed to dodge the issue of the validity of the presumption created by Article 1 of the law. Possibly on this point, and on the merits, he intended to concur with the majority which reversed the lower courts, held the statute unconstitutional, and decided the case on its merits in favor of the defendant because the plaintiff had introduced no evidence to show that an honest trial of his case could not have been had during the period 1936-40.

The majority found little difficulty disposing of the statute. Rejecting the plea that changes in procedure can never be regarded as retroactive, even when applied to prior facts, they held that both the presumption of fraud and the revival of prescribed actions constituted changes in "clear conflict" with the fundamental law, since "it is unquestionable" that the

¹⁴ Constitution of 1945, Art. 49.

statute "disturbs rights acquired under the dominion of other laws, which is juridically inadmissible." Our own courts would probably have reached similar conclusions under the doctrine that unreasonable presumptions and the disturbance of titles validated by prescription violate "due process."¹⁵

The Aftermath. Although this decision was a very great victory for Dona de Ubico and all others similarly situated, it is not necessarily decisive. It merely gives them a fighting chance. The way is still open, of course, to negative a defense of prescription by introducing evidence to show that no effective remedy was available to the plaintiff against favored persons during the Ubico dictatorship, and that the transaction was tainted by fraud or duress. How much evidence will be necessary to accomplish this result is a matter that hinges largely upon the attitude of mind of the judges under the new régime.

The widow of the ex-dictator is currently faced by more pressing problems. The *Ley de Probidad* has not yet been brought into play, as the government has not completed its survey of her properties and those of her late husband. It has, however, retroactively cancelled the pension of \$1,000 per month granted in 1933¹⁶ and the payment of \$200,000 made in 1940,¹⁷ alleging each to have been awarded to the then President in violation of the constitution, and has demanded repayment with interest—a total well in excess of a half-million dollars.¹⁸ In addition, action has been instituted against the Ubico estate for \$100,000 allegedly due on merchandise imported without payment of duties.¹⁹ The list of goods involved and their respective duties is detailed and illuminating. Not only are there such items as "kodak film, \$0.56," "part for radio, \$1.20," and "album with photographs, \$0.92," but also "6 motorcycles with equipment, \$277.02," "7 motorcycles with sidecars, \$393.02," and other even more expensive items, including numerous automobiles. Most of these motorcycles and automobiles are now, and have at all times been, in the service of the government. Either they were imported as government property, and hence were duty free, or they were imported as private property but are being retained by the government without legal action. The attorney for the estate asked that the government attach them as security for the payment of any duties that may be adjudged due; but the government has preferred to attach other properties, since these it already possesses.

¹⁵ See *Campbell v. Holt*, 115 U.S. 820, 823 (1885); *Manley v. Georgia*, 279 U.S. 1 (1929); *Western & A.R.R. Co. v. Henderson*, 279 U.S. 639 (1929).

¹⁶ Decreto No. 56 of Jan. 25, 1945.

¹⁷ Decreto No. 54 of Jan. 23, 1945.

¹⁸ Tribunal de Cuentas: Dirección General de Cuentas, Expediente No. 385 B of 1945.

¹⁹ *Ibid.*, No. 385 of 1945.

No effort has been made as yet to contest the legality of these demands, although it is rumored that the widow intends shortly to return to Guatemala to fight these and other suits. It is impossible to prejudge their merits, or even to predict that the defendant will or will not get a fair hearing on the merits. All that can be said is that the Supreme Court has made a splendid start in attempting to guarantee that there shall be due process of law even for ex-dictators.

A closing word. Judicial review is not rendered an efficient weapon of control merely by providing a list of constitutional guarantees and imposing upon the courts the duty to interpret and enforce them. American judicial review became important only when the courts secured a position of relative independence from legislative control.²⁰ Guatemalan courts do not yet have this advantage. Supreme Court magistrates are elected by the Congress for four-year terms, and may be removed by the Congress by majority vote. Indeed, petitions are now pending in the Congress against the three magistrates who constituted the majority in the case of *Marroquín c. Lainfiesta de Ubico* looking toward their removal for "manifest incapacity" proved by their votes in that case. It is doubtful whether such action will be taken; but its mere possibility serves as a limiting factor upon the effectiveness of judicial control of legislation in Guatemala.

²⁰ See the discussion of *Trevett v. Weeden*, Rhode Island (1786), in C. C. Haines, *American Doctrine of Judicial Supremacy* (2d ed., 1932), pp. 105-112.

POLITICAL THEORY

BEYOND RELATIVISM IN POLITICAL THEORY¹

ARNOLD BRECHT

Graduate Faculty, New School for Social Research

Modern science and modern scientific methods, with all their splendor of achievement, have led to an ethical vacuum, a religious vacuum, and a philosophical vacuum—so it has been said. For they have offered little or nothing to distinguish between good and evil, right and wrong, justice and injustice. All social sciences are involved in this calamity, but none has been so deeply affected as political science, which had to face the new creeds of Communism, Fascism, and Nazism as political phenomena of tremendous power. They settled down in the area abandoned by science, taking full advantage of the fact that, scientifically speaking, there was a vacuum.

No political theorist can honestly avoid the issue, and certainly every scholar worthy of the name gives it serious thought. While each may publish his own ideas freely, there is one thing which we cannot do individually, but which we may do collectively—take stock of the various opinions that prevail among us, and clarify their meaning by question and answer. This the members of a round-table tried to do at the last meeting of the American Political Science Association, in two sessions held jointly with the Research Panel on Political Theory, represented by its chairman, Francis G. Wilson of the University of Illinois.

The following scholars, selected out of the great number of interested theorists as fairly representative—at least within the secular branch of theory—of various approaches, backgrounds, and age groups, constituted the panel: Francis W. Coker of Yale University, author of *Recent Political Thought*; Benjamin E. Lippincott of the University of Minnesota, author of *Victorian Critics of Democracy*; Benjamin F. Wright of Harvard University, author of *American Interpretations of Natural Law*; Eric Voegelin of Louisiana State University, author of a three-volume history of political ideas to be published in the near future; John H. Hallowell of Duke University, author of *The Decline of Liberalism*; and J. Roland Pennock of Swarthmore College and Gabriel A. Almond of Brooklyn College, who, like Hallowell, had participated in a discussion of ethical values in this REVIEW.

¹ Analytical report on the round-table "Beyond Relativism in Political Theory" at the annual meeting of the American Political Science Association, Cleveland, Ohio, December 27-28, 1946. Professors Francis W. Coker, J. Roland Pennock, and Francis G. Wilson read the draft and made valuable suggestions.

Mr. Pennock functioned as secretary, and the present writer served as chairman.²

This paper does not claim to be an historically exact report. It rearranges the debate analytically, and makes free use of written formulations and "extended remarks" laid down in subsequent correspondence. Passages put in quotation marks have been either submitted in writing or approved by the respective panel members.

I. HIGHER-LEVEL RELATIVISM³

Scientific relativism in the social sciences is based on the contention that no scientific method has yet been devised to determine the superiority of any ends or purposes over any other ends or purposes in absolute terms. We can state only their relative superiority as means in the pursuit of again other, ulterior, purposes or ends; which of these ulterior purposes or ends are superior to others is beyond the scope of scientific determination. To illustrate, there is according to relativism no scientific method by which to state, in non-relative terms, whether man has a specific dignity that ought always to be respected; whether the ends of the individual or those of the group are more important, and of which individual and which group; whether there is greater value in peace or war, in charity or selfishness, in the liberation of slaves or the enslavement of the free, in the goals of democracy or of fascism. As no less a man than Albert Einstein has said, science cannot even determine on rational grounds whether the existence of society is more valuable than its annihilation would be.

In discussing relativism, we are confronted with a certain ambiguity inherent in the terms "science," "scientific method," "knowledge," and "proof." And we must also be aware that there is more than one branch of relativism. Only very few relativists, if any, go so far as to deny that some ends or purposes *may* be superior or inferior to other ends or purposes. If such denial were the relativist position, we should need no meeting to cope with it, as it then would be sufficient to state that this position does not follow from the relativist premise. Precisely as the inability of scholars to prove the existence of God does not prove His non-existence, so their inability to prove the superiority of any ultimate purpose over any other would not prove that none is superior.

The round table, therefore, decided to concentrate on the higher forms of relativism. Higher-level relativists do admit that there *may* be an absolute truth regarding the superiority or inferiority of values and that some

² Hans Kelsen, University of California, who originally had planned to attend, was unable to appear. In a letter to the chairman, he stressed that, despite the unpopularity of relativism in the United States, he still is a relativist.

³ This section contains an extract of the chairman's introductory remarks, which had been circulated among the panel members and were read to the group.

among us may see the truth correctly, while others do not. Nor do they even deny that a man's intuition of basic differences in the value of ends and purposes may reach the degree of absolute certainty to him and, therefore, to him may constitute part of "knowledge," of *his* knowledge. In other words, these relativists recognize the possibility that there might be a valid intuition regarding values. But they do deny that we can transmit or communicate our convictions, our "knowledge" or "intuition" regarding values, to other men in forms of proof or conclusive demonstration. They make a distinction between *subjective* conviction, intuition, or knowledge regarding the validity of value judgments, on the one side, and *inter-subjective*, interpersonal, proof on the other. They contend that such inter-subjective proof is not feasible.

I shall refrain from elaborating in abstract terms the reasons which the relativists have put forward in support of their thesis. Suffice it to recall that most relativists have insisted that value judgments, and especially ethical value judgments, are statements not of fact but of meaning, that they are statements not of what is but of what ought to be, and that it is not possible logically to derive a statement of what ought to be from a statement of what is. Some have gone so far as to say that sentences dealing with what ought to be are no statements at all, but merely express emotional preferences, commitments regarding one's own behavior, or the like.

But in so arguing most relativists—and this is a point of greatest importance to us—have not denied the possibility that the statement that something ought to be done, or the emotional preference for its being done, or the commitment to do it, may be based on divine influence or its equivalent. They have merely insisted that the assertion of divine influence or its equivalent is beyond demonstrability. Some have emphasized that such influence, if it were operative, would be a "fact" or an "event" in the realm of *is*. But they, too, have insisted that this fact, or this event, is beyond demonstrability in scientific terms, and that all assertions about, and all derivations from, it must therefore be treated as inconclusive in any truly scientific work.

Consequently, the thesis that the validity of ethical value judgments is beyond scientific demonstrability has become the core of the relativistic approach. For this reason, we gave it first place on our agenda: Is inter-subjective proof possible regarding the superiority or inferiority of purposes or values in political matters?

The second point is closely connected with the first. Despite their skepticism regarding the demonstrability of values, the relativists do not deny that science can contribute its ample part to the discussion of values and of their rank by (1) clarifying the precise meaning of proposed evaluations and (2) examining the consequences of political actions based on

these evaluations. In dealing with these aspects of the problem, the higher-level relativists have been particularly productive and stimulating. Beginning with Max Weber, they have challenged all scholars to concentrate on an analysis of the meaning of evaluations and on their implications. Not only have they admitted, but they have ardently stressed, that such investigations are possible with scientific means, that they therefore are scientifically legitimate, and that they are practically significant as well.

This thesis is essentially not in contradiction with the position taken by anti-relativists. All scholars seem in fact to agree on it. Its significance rests rather in its negative limitation: relativists say that this kind of investigation is the only contribution that can be made by science or with scientific methods. Are they right in this? This was our second question.⁴

II. INTERSUBJECTIVE PROOF⁵

Most members of the panel explicitly or implicitly agreed with the relativists that intersubjective proof regarding the superiority of ultimate values, purposes, or ends over others is not possible in the sense of proof as

⁴ The following references to the literature on the problem may be helpful:

Recent volumes of the *REVIEW* contain: William F. Whyte, "A Challenge to Political Scientists" (Vol. 37, Aug., 1943, pp. 792-797); John H. Hallowell, "Politics and Ethics" (Vol. 38, Aug., 1944, pp. 639-655); Francis G. Wilson, Benjamin F. Wright, Ernest S. Griffith, and Eric Voegelin, "Research in Political Theory—A Symposium" (*ibid.*, pp. 726-754); J. Roland Pennock, "Reason, Value Theory, and the Theory of Democracy" (Vol. 38, Oct., 1944, pp. 855-875); and Gabriel A. Almond, Lewis A. Dexter, W. F. Whyte, and J. H. Hallowell, "Politics and Ethics—A Symposium" (Vol. 40, Apr., 1946, pp. 283-312).

The international literature on relativism and beyond in political science and jurisprudence is traced in the following articles by Arnold Brecht: "Relative and Absolute Justice," *Social Research*, Vol. 6 (Feb., 1939), pp. 58-87; "The Rise of Relativism in Political and Legal Philosophy," *ibid.*, Vol. 6 (Sept., 1939), pp. 392-414; "The Search for Absolutes in Political and Legal Philosophy," *ibid.*, Vol. 7 (May and Sept., 1940), pp. 201-228 and p. 385 (erratum); "The Myth of Is and Ought," *Harvard Law Review*, Vol. 54 (Mar., 1941), pp. 811-831; and "The Impossible in Political and Legal Philosophy," *California Law Review*, Vol. 29 (Mar., 1941), pp. 312-331; see also, "Democracy—Challenge to Theory," *Social Research*, Vol. 13 (June, 1946), pp. 195-224.

Max Weber's basic essays, "Die 'Objektivität' in sozialwissenschaftlicher und sozialpolitischer Erkenntnis" (first published in 1904) and "Der Sinn der Wertfreiheit der soziologischen und ökonomischen Wissenschaften" (first published in 1917), will be found in his *Gesammelte Aufsätze zur Wissenschaftslehre* (Tübingen, 1922), pp. 146, 451.

⁵ The term "intersubjective proof" is used, as explained in the previous section, to distinguish communicable, or interpersonal, proof from man to man, from one-sided "intuition," which by some writers is called proof too, but which is not "intersubjective" proof unless supported conclusively by data available also to others.

applied in logic and the natural sciences. This appeared so obvious to most speakers that they quickly turned to other questions of their own choosing. Before we follow them in this, it is advisable to report first on those contributions to the debate that referred more strictly to the possibility of intersubjective proof.

"The answer depends upon the meaning of proof," said Mr. Wright. "If proof is used as it is used by a practitioner of the natural sciences, then the term is misplaced in this setting."

"It is impossible to prove beyond the shadow of a doubt that one value is preferable to another," Mr. Lippincott assented, and Mr. Pennock added: "Proof of values is impossible if by value we mean something transcendental. In fact, if we use such a meaning, we cannot even prove that there are such things, let alone what they are. If, on the other hand, we contend that what people mean by value can be defined naturalistically, proof as to what is valuable may be possible, depending on the nature of the definition."

Other speakers, however, suggested that interpersonal proof might be possible in some cases, especially in cases of extreme injustice and cruelty such as have been experienced during the last period of history.

"Although in the end values must be urged on a rational or an intuitional basis, rational discussion offers the possibility of intersubjective cogency of proof," Mr. Wilson held. "The categories of science are not automatically transferable to social issues. Such transfer must be governed by rational interpretation from within the body of social problems." And Mr. Almond said: "There is a growing body of evidence that men are anything but indefinitely plastic in their values. Perhaps the greatest challenge of political theory today is the task of participating in the search for a 'valid natural law theory.'"

The chairman proposed to go into details. It was his thesis that intersubjective proof is possible regarding certain elements of judgments on proposed purposes or ends in political matters. These verifiable elements are so important, he held, that in some cases the issue is essentially governed by them. Proof, he suggested, can be offered from two sides—from the outside and from the inside: "From the *outside*, the value of a political proposal can be attacked scientifically by proving that the proposal is impossible of execution—that it is impossible to reach the proposed goal at all, or to reach it with any known means, or to reach it with the means proposed. To give a drastic illustration, a proposal to harness the moon to the earth in such a position that the United States would always have the benefit of a full moon, can be demonstrated in scientific terms to be valueless without discussing ethical objections that might be raised on the ground that the proposal would discriminate against the Soviet Union. It is sufficient to demonstrate that according to scientific laws execution is impossible. He continued:

"By the same token it is feasible to demonstrate in scientific terms that it is impossible to guarantee that a dictator to whom total powers are given will always use them to good effect; that, if he is sane and of good will today he will be so next year, or that his successor will. It can also be shown that it is impossible, once a dictator is given total power, to remove him without his consent short of a revolution (logical impossibility); that it is impossible for a dictator, even if sane and of good will, personally to supervise the fair treatment of every individual in a hundred-million people (biological impossibility), and that, therefore, without independent institutions or freedom of public opinion, it is impossible to control the dictator's lieutenants to whom he has delegated local powers. Such investigations open up large fields for strictly scientific contributions in the struggle of political ideologies. Demonstration of impossibility refutes the alleged value of the proposal to the extent to which impossibility is demonstrated.

"From the *inside*, certain actions can be scientifically branded as unethical because they violate basic requirements. There are 'inescapable' elements in human thinking and feeling regarding basic ethical requirements. Under certain circumstances of contemplation, human nature inescapably feels revulsion against certain types of action, and approval of others, in a typically ethical kind. This old religious (and stoic) doctrine has been unjustifiably abandoned by secularized political theory. It should be revived, although in far stricter forms than those it assumed in the past. Most of the allegedly universal feelings are by no means universal, but they are limited to certain individuals or groups; and others, though fairly universal, are not entirely so. But some such reactions are actually so universal that no exception has ever been observed reliably, and that it is impossible for us even to imagine such exceptions.

"To illustrate: it seems that the feeling of justice and injustice is an 'inescapable' category of human feeling. Although opinions of *what* is just or unjust differ widely, some interconnection between justice and truth seems to be one of the invariant and universal elements of human feeling; it is inescapably felt to be unjust if someone knowingly makes an untrue discriminatory statement against another person or knowingly reproaches or punishes him for what not he, but somebody else, has done.

"It is another inescapable element in human feeling that things equal according to the accepted system of values must be treated as equal. Again, moral reproach and punishment meet inescapably with a feeling of injustice whenever it had been impossible for the blamed person to do what he was expected to do.

"The statements about universal elements are not derived from arbitrary definitions of justice, but they can be traced to inescapable factors in our human equipment. To investigate whether this is so is a reasonable proposition for scientific investigations."

When asked whether these elements are not too small and insignificant to provide a noteworthy advance beyond relativism, the speaker answered that, if one regards each separately, it might seem so at first sight; but if taken together and combined with the two methods recognized by the relativists—clarification of the meaning of proposed evaluations and analysis of their implications—the demonstrable elements obtain a surprisingly broad importance. Especially the requirement of *truth* in justice has tremendous consequences, objectively as well as subjectively, since pernicious politics have in most cases been based on falsehoods and outright lies for justification. And as to the category of impossibility, its importance, the speaker suggested, is clearly indicated by the few illustrations which he had given, and which could be amplified.

Mr. Pennock held that the "outside" proof offered is no proof of values, but merely proof that a given subject is not appropriate for a discussion about values. The speaker replied that precisely for this reason he had called this approach one from the outside, and not to abstract value but to "purpose." Purpose matters in the political field; it therefore is relevant to emphasize that science can discredit purposes by proving their achievement impossible. Such outside proof necessarily affects also the "value" of the proposal to pursue the purpose.

Messrs. Wilson, Pennock, Almond, Hallowell, and others suggested that at least some *approximation* to proof often seems possible regarding the validity of value judgments, especially in extreme cases. Scholars should "stop worrying about proof in a realm where it is impossible and be content with establishing plausibility," said Mr. Pennock. He contended that "inescapable elements," too, were no proof, but merely a case of approximation of proof. Universal agreement, while being no proof, could well be treated as an indication of proof, he added. "Let us assume," he said, "that where we find general agreement as to the good we may accept it as a plausible indication of truth; and let us devote our energies to the discovery of such agreements, to persuasive as well as logical efforts in this direction, and to the elucidation of the logical implications and causal relations of various public policies which relate them to the ultimate values. Here, I think, lie the great tasks of political theory, and more fruitful lines of inquiry than the attempt to prove the existence of absolute good."

Other panel members, however, criticized the appeal to mere "approximation" of proof, or "plausibility," as fallacious, because without first having an idea of what constitutes full proof one cannot know what is approximate proof. There is a natural inclination of all people, including scholars, they said, to consider their own value judgments so well supported that approximation of proof has been reached, just as we have been told alternately that there is approximate proof for the existence

of God and for His non-existence, or for and against immortality.

Mr. Wright stressed the value of disagreement for science. The chairman, replying to Mr. Pennock's remarks and to similar suggestions from the floor,⁶ emphasized that agreement alone, even if far spread, is not even an approximation of proof. In antiquity, people agreed that slavery was necessary and just. But agreement, he said, which is substantially necessary according to the nature of man, constitutes a valid element in political science. It may not present conclusive proof for the metaphysical origin and validity of values, he admitted. But no such proof is required for the purposes of political science. All the political scientist needs is reference to invariant elements of ethical feelings that are inherent in human nature, and inescapably so. Whether such elements exist and what they are is a matter for empirical proof.

Mr. Hallowell made a case for Christianity. He argued that the answer to the questions as put depended on an answer to a prior question, namely: What is the nature and destiny of man? Concentrating on this question, he answered it as follows:

"I would suggest that the most adequate answer is given by Christianity. Christianity regards man as a rational creature, but does not overlook the fact that his ability to reason is warped by sin (i.e., pride in his own self-sufficiency). Endowed by his Creator with reason, man is capable of distinguishing good from bad, justice from injustice—it is just this attribute which distinguishes him from the beasts, which makes him a spiritual being. It is through reason as a supernatural faculty that truth is discovered and reality revealed. By enabling us to distinguish good from evil, reason is the most reliable guide to action. We must recapture our belief in man as a rational creature, and Christianity enables us to do so. But at the same time, Christianity teaches us that man (human nature) is warped by sin. It teaches us to approach the problems of political and social order, therefore, 'not with a broken and discredited intellect,' but with a 'broken and contrite heart.' It recognizes the evil in the world as the perversion of human will and urges men to repent and to bring their will into conformity with God's will. Only in this way can men realize their freedom. For freedom can be preserved and perpetuated only by linking our capacity to choose alternative modes of behavior with the faculty with which we were endowed by our Creator, reason. In the arbitrary separation of will from reason lies disaster; for a will without reason to restrain and guide it is blind and can lead us nowhere; and reason without the will to translate it into practice is impotent. By emphasizing understanding to the exclusion of choice, historicism reduces the mind to the

⁶ Professor Hans J. Morgenthau (University of Chicago) suggested that in the course of most controversies on values it is possible to state agreement on some points.

rôle of an impotent spectator. By exalting choice at the expense of reason, existentialism reduces man to an irresponsible agent. Freedom is rational choice."

Other panel members replied that Mr. Hallowell's opinions, if he did not claim cogent demonstrability for them in discussions with persons who in good faith dissented, were entirely compatible with the views of the higher-level relativists, some of whom had confessed to a similar belief. "But what are you proposing to do if your opponent is a Moham-medan?" he was asked. "Convert him," Mr. Hallowell replied. Returning to his argument, he added:

"The proof of the truthfulness of Christianity is its correspondence to reality, i.e., the fact that it explains more adequately than any rival religion or philosophy all the facts of human nature and experience. In a sense, its truthfulness is derived, in part at least, from the inadequacy of all rival explanations of life. In another sense, its truthfulness is demonstrated by its practical fruits, i.e., that it does enable men to live serene and happy lives. It enables us to live in the present without either complacent optimism or helpless despair.

"Though based upon faith, it does not follow (as some mistaken people believe) that faith is necessarily irrational, for it is a faith in a reality that is super-rational. It is a faith that is illumined by reason, and a faith, in turn, that sustains reason."

Mr. Wright, commenting on this, warned against any form of belief which claims absolute knowledge of the truth. Such belief, he said, normally leads in politics to intolerance and to the application of violence against people of different convictions. "Any sensible theory of politics must deal with values, yet any which professes to have a monopoly of truth is certain to be ridiculous, and if taken seriously, almost certain to be dangerous."

Other panel members, while failing to acknowledge Mr. Hallowell's demonstration as scientific proof, took issue with Mr. Wright's counter-argument. "There is no necessary connection between a belief in absolute truth and a belief in personal infallibility," Mr. Pennock objected; and Mr. Hallowell rejoined that, "because a person believes that he knows a portion of truth, it does not follow that he believes everyone should be coerced into the acceptance of that truth." Other speakers pointed to the fact that the last three hundred years have been characterized by a struggle for separating a person's belief that he knows the absolute truth from his political attitude of tolerance toward non-conformists; if every claim to know the absolute truth made a person ridiculous or dangerous, we all were so, because we all believe with absolute assurance that certain cruel acts are unjust and base.

In spite of this *intermezzo*, however, most panel members emphasized

that Mr. Hallowell's arguments in favor of Christianity did not constitute conclusive proof in the scientific sense. "We cannot give a scientific demonstration, which is absolutely convincing, that Christianity is superior to Mohammedanism," Mr. Lippincott insisted. The chairman commented:

"Professor W. Ernest Hocking has called the human urge toward the good a response to a 'cosmic demand.' Personally, I accept this interpretation for myself, as I accept the religious interpretation of life. But if in a scholarly discussion someone should object that the response is not to a 'cosmic' demand, but rather to a 'cosmetic' demand, and that God's existence appears improbable to him, I must admit that my own interpretation is ultimately based on subjective experiences, which I can relate, but which can be plausible only to one who has had similar experiences and, consequently, generally plausible only with regard to elements that are experienced by every human being. Therefore I consider it so important to reinvestigate what these universally experienced elements are.

"Religious belief always leaves room for scientific doubt—though not for scientific refutation. It leaves room for such doubt also in the believer's own mind, who has constantly to sustain and defend his belief against this lack of scientific proof. Religiously speaking, God may have very good reasons why He leaves the final choice to personal, subjective decision rather than to scientific demonstration.⁷ But that again I can only believe and not demonstrate cogently."

It was recognized, on the other hand, that scientifically Mr. Hallowell's approach was entirely legitimate if considered a "working hypothesis," established out of subjective belief and supported by observed facts and not contradicted by other facts. Several speakers agreed with Mr. Hallowell on the fruitfulness of scientific work based on this approach.

A side-issue of the discussion had to do with the rôle of *assumptions* in scholarly discussions. Said Mr. Lippincott: "If we assume, to begin with, that life is worth while and the good life in some form attainable, that the development of man's faculties and respect for personality are desirable goals, and that recognition of rights including freedom and justice are essential to achieving these objectives, then it can be shown that democracy is above all the system of government most likely to bring these about."

There was general agreement on the legitimacy and the practical value of assumptions, if they are frankly confessed to as being scientific assumptions (see below on the scholar as teacher); it was also shown that in this case they are not in conflict with the teachings of the higher-level rela-

⁷ "In the wisdom of God, the world did not know God through wisdom." Paul's First Epistle to the Corinthians, I, 21.

tivists. But, being no proof, they do not help in discussions with those or against those who in good faith deny them. Greatest care is mandatory in scientific work with the use of assumptions, it was warned. To illustrate: in order to be conclusive, the assumptions made by Mr. Lippincott would have to include also the claim to equality concerning the rights he had assumed. This claim was, however, one of the main bones of contention.

Resuming the general issue of relativism and scientific method, Mr. Wright said:

"There is nothing wrong with scientific method, provided that it be a method adapted to the materials involved. But in practice we have relied too frequently upon what we thought were the methods of the laboratory scientists, hoping thereby to emulate the achievements of science during the last four centuries. We have gone down a lot of blind alleys and ended up with a lot of dull and irrelevant statistics. We have also made a measure of progress in the study of some aspects of politics. Whether a balancing of the books would indicate a credit or a debit, I am not quite sure; but I do feel certain that somewhat less of reliance upon quantitative method and considerably more attention to the questions which cannot be dealt with in that fashion would have resulted in a political science which would have been a considerable improvement over what we have.

"I say this as a precautionary foreword to the statement that even the worst aberrations of our quantitative and descriptive brethren are preferable to the mystical lucubration of their antagonists on the opposite wing. History is full of examples of the dangers to human well-being from those who *assume* the essential point involved, that is, the final validity of a particular doctrine, and who proceed to crusade with fire and sword in order to convince others of this everlasting truth. Relativism, yes and pragmatism, are just as essential in the study of the theories of justice and of right as in the study of municipal drainage systems, although the proportions may be a little different.

"I am not arguing that we should confine our discussion to descriptive political science, or that we should deal only with those things that can be seen, much less with those that can be measured quantitatively. One of the eternal questions of politics such as the nature of justice, or perhaps the meaning of justice in contemporary society, would not be lacking in elusiveness. Yet a consideration of it would, I believe, result in a more coherent discussion in the field of political science."

All speakers stressed the importance of the vocabulary used. Modifying his earlier praise of disagreement, Mr. Wright said, for example:

"I suspect that we are disagreeing about very little except a few words. If the subject for discussion were cast in the form of questions and concepts which could be discussed a little more precisely, even allowing for the various connotations of the words which we necessarily must use, we

should probably find very little disagreement among ourselves and very little difficulty in reaching a consensus of judgment upon the application or the validity of ethical value judgments."⁸

Some speakers insisted, however, that the difficulty was not merely in the use of words. On the other hand, there was general agreement that the great service which political science can render legitimately by clarifying the meaning and the implications of political proposals is likely to reduce the importance of the remaining difficulty—proof regarding the superiority or inferiority of ultimate goals or values.

Mr. Voegelin went further. Having not attended the greater part of this discussion, in one of its later stages he attacked the question of proof as irrelevant according to the present state of science. He said:

"This question, in order to be discussed sensibly, must be filled with meaning by relating it to the present state of science. If we make this attempt, we shall find, however, that this question is not related to the present state of science at all; it is related to a state of science which prevailed in a certain sector of the social sciences in the opening years of this century. Then was the time when the 'value free' discussion in politics was debated as a problem for the scholar, in particular in Max Weber's great essays on the objectivity of the social sciences. This state of science has been superseded by the developments of the last fifty years in the fields of philosophical anthropology, through the exploration of the relation between ethics and ontology, through the exploration of the myth, through the establishment of spiritual processes as the determinants in the formation of 'horizons' of values, through the historization of the problems of politics and the abolition of the problem of the 'best' form of government, through the rise of the philosophy of existence, and so forth. As a consequence of these developments, the problem of value judgments hardly has a place in the present state of science; it is superseded by problems of an entirely different kind. We are far 'beyond relativism' today—without having landed in any absolutism. Hence I am somewhat at a loss to formulate an answer to questions (1) and (2). In answer to the first question, I should have to say that it has ceased to be a relevant question today. In answer to the second, I should have to say that political theory has contributed plenty to this dispute during the last fifty years—so much, as a matter of fact, that question (1) has become obsolete. A discussion that would lead to sensible programmatic suggestions—that is, to suggestions which indeed can be considered an advancement of science and not a routine occupation on byroads—would presuppose that we digest

⁸ Mr. Coker, after seeing the draft of this report, refrained from formulating any comment of his own in writing, because, as he expressed it with typical modesty, "I cannot think of anything to say that doesn't seem too obvious. I think the quotations from Wright are pretty close to my own reactions to the whole situation."

these developments and formulate our problems in relation to the present state of science."

Other panel members doubted whether modern relativism can be overcome by pointing to the fact that it was established fifty years ago and that other theories became fashionable thereafter, and they wondered whether Mr. Voegelin would have made his demurrer if he had attended the whole discussion. Actually, the chairman commented, he had introduced a second relativism instead of eliminating the first one.

"To the substantial relativism forced upon scholars by the limitations of knowledge and of intersubjective proof, Mr. Voegelin has added the historical relativism of scientific research, always building upon a previously established body of science, or in other words, the professional relativism of annotated writing, which forces every respectable scholar to take account of all other scholars of accepted standing.

"The history of ideas is eminently interesting and significant in many respects, but by pointing to it we do not answer the question of what *we* do think and believe to be true *today*. And to state that has been the purpose of this meeting. None of the recent adventures in thinking and research mentioned by Mr. Voegelin has freed us from the consequences of the fact that our scholarly knowledge is limited, and that our possibility of intersubjective proof is even more limited than our subjective knowledge."

Mr. Lippincott held that our excessive preoccupation with the history of theory has prevented us from tackling many important problems of today. "So long as we continue to devote the greater part of our energies to linking the ideas of the past in a time sequence, just so long do we fail to discharge the main purpose of theory, which is to ascertain the chief facts, concepts, and principles that do, may, or ought to arise as a result of governance."

Leaving alone proof of the validity of value judgments, some panel members addressed themselves more particularly to the second question as to whether science can contribute to the debate on values in other ways than by clarifying the meaning of proposed value judgments and analyzing their practical implications. Mr. Wilson, with general approval, stated that scholars have the indubitable task in the social sciences of investigating and explaining the *function* of values in particular situations. "Such investigations need not be predicated on the idea that a given value is true, but that it does function in directing, controlling, or modifying human action," he said. "The great areas of human conflict today can be seen as areas in which the dispute over values and purposes is most acute, and to help in the rebuilding of civilization, the student must be keenly aware of the function of values in society."

Mr. Almond emphasized that, since Weber's time, there has been con-

siderable progress in the "social psychological criticism of values:"

"Science can trace the *origins* of political values among individuals and groups, and indicate what types of social situations and associated psychological states are related to particular types of preferences. Perhaps the most significant contribution is the hypothesis that political as well as other values are to be understood not only as objective goals and purposes, but also in terms of their subjective relationships. The analysis of the subjective value dimension is still a new field, and perhaps only the fanatic can claim for this area of research anything more than partially validated hypotheses. Psychology and social psychology have done themselves damage by claiming more. But it has already been demonstrated through research in this area that the subjective purposes of an individual are often quite unrelated in a logical sense to the objective value he advocates. For example, political militance and radicalism, or any other combination of political means and ends, may be associated with logically irrelevant subjective aims and conditions (e.g., resentment, hostility, fear, and the subjective means of coping with these psychological states). The logical inconsistency between the subjective and objective aims may be explained by certain psychological mechanisms, as for example, displacement of feeling from its original object to other objects, or the projections of subjective aims on external objects.

"This type of analysis and research extends the clarifying and consistency-producing rôle of science from the objective dimension in which overt expression and action are taken as given into the realm of the subjective origin and meaning of values."

It was recognized, however, that inquiries into the "functions" performed by evaluations, and into the psychological "origin" of evaluations, do not by themselves lead to a decision on the rank of values. We are making no final statement on the presence or absence of a certain star in the skies by revealing that the motive of the astronomer who claimed its discovery had been pure ambition or the lust to impress the girl he loved.

There followed a discussion of a suitable *research program* regarding purposes and values in political science.⁹ This part of the proceedings cannot be included in the present report. But it should be mentioned that these discussions testified to the great amount of fruitful work that can be performed on a strictly scholarly basis through analysis of the meaning and implications of purposes and evaluations, and of their origin and functions.

III. THE SCHOLAR AS A TEACHER¹⁰

Regarding the desirable behavior of the scholar, both as teacher and

⁹ Points three and four of the agenda.

¹⁰ This was point five of the agenda.

scientific writer, the relativists have left the gates wide open on two different roads. They have told us that we may choose to be either neutral relativists or partisan relativists—either try to be neutral as far as man can be neutral, or, if we so desire, take sides. The only thing relativists demand that we do in the second event is that we tell our audience that we *are* taking sides without being able to offer intersubjective proof of the validity of our assumptions. What our unproved and unprovable assumptions are, they say, we should clearly state. Otherwise, we violate our duties as scholars.

Most speakers agreed with these views. "In view of the subjective elements that enter into our values, the scientific spirit requires that our preferences be made clear in our teaching, research, and writing," said Mr. Lippincott, adding:

"Certainly the student is entitled to know the point of view from which data are selected and weighted, just as the fellow-scholar is entitled to know the presuppositions of a study. Making known one's preferences or value-judgments can, of course, be done in different ways, and often just as effectively indirectly as directly. But this should not prevent the theorist from taking part in practical affairs."¹¹

Mr. Almond made a strong case for neutrality:

"The academic function is an 'office' in the sense of the term quite similar to the bureaucratic usage. When one is in one's office, one acts in terms of the powers, duties, and privileges of the office. A scientific office implies neutrality, since science itself is neutral. Advocacy, avowed or concealed, is a kind of scientific *ultra vires* action. Nor is the advocacy of radicalism justified as a 'means of balancing' the conservative pressure on the scientific enterprise. The place to combat political pressure on science is the political arena, and not on the academic platform."¹²

"It is certainly not appropriate in the class-room, particularly at the college level, to discuss political ideologies in terms of 'better or worse.' In a society swept by the winds and cross-winds of propaganda, the class-room is the one refuge which is ruled by the spirit of detached inquiry and dispassionate investigation. To achieve such a spirit and tone necessarily implies some sacrifice on the part of the teacher and the student of the pleasant self-indulgence of 'letting down one's hair' and speaking 'from the heart.'

"This is certainly no more of a sacrifice than that which is required of the modern laborer, bureaucrat, business man, and the like, who must seek the gratification of their impulses toward wholeness and creativeness outside of the routines of their occupations. Those of us who are incapable of

¹¹ See next section.

¹² See next section.

accepting the discipline of the modern division of labor can choose other occupations. There are many in which the demands are less exacting, where advocacy is a part of the function itself—journalism, politics, pressure group jobs, etc.”

On the other hand, Mr. Almond suggested that “possibly the extreme school of neutrality in scientific exposition takes itself a little too seriously in assuming that the young or that laymen are such tender shoots as will sway in the slightest wind of advocacy.”

Partisanship in favor of “all that is good in humanity” was demanded by Mr. Hallowell. He said:

“An individual is not a part-time scientist, a part-time citizen, and a part-time man, but always and in every capacity a human being. As a human being endowed by his Creator with reason, he has not only the right but the responsibility to use his reason to discover what is good for man and to teach it and to practice it. An individual cannot help being a partisan in favor of all that is good for humanity.

“The first and foremost obligation of the scholar and the teacher is to seek the truth wherever found and to defend it with reason. That truth will include truths about good and evil, justice and injustice. The scholar and teacher does have an obligation to explain the principles in terms of which he discovers the truth and to defend those principles by rational argument. If he is willing to reason, there is no danger that he will be dogmatic.

“Students are impatient, and rightly so, with an ‘objectivity’ that refrains from decisions. ‘Objectivity’ parading too often under the thin disguise of tolerance is more often than not a confession of despair or a cloak for indifference. It is a healthy sign of intellectual curiosity and moral integrity that students are demanding answers. They do not and should not expect all answers to be the same, but they do expect the scholar and the teacher, whose superior knowledge and training they respect, to tell them what in his opinion is true and right, and why. If he answers that he does not know what is true or right, can we blame them if the students turn to demagogues who will all too willingly supply the answers? It was the abdication of such responsibility on the part of many of the academic profession in Germany that drove many university students into the ranks of the Nazis.”

There was, of course, agreement that the scholar is to “seek the truth wherever found and to defend it with reason,” and that he has to “explain the principles in terms of which he discovers the truth.” In doing just that, however, he will, it was contended, be compelled, if honest, to make clear which of his statements he is able to prove intersubjectively and which he rests only on subjective conviction. The remaining differences between Mr. Hallowell and the relativists have their root in differences

of opinion (as discussed above) about what *can* be proved by reason, rather than about the responsibility of the scholar. The formula "what is good for man" implies, it was argued, the entire range of the problems connected with the meaning of good and the equality of men. If made more articulate, it could hardly be presented as a scientifically self-evident basis of all scholarly work, although scholars will generally agree that their work has not to be directed toward the good of some individuals only.

The chairman suggested that the chief difficulty lay in the overlapping of two different functions—education and scholarly work. The purpose of education is in many respects much broader than that of scholarly work, though narrower in others. He thought it advisable to distinguish between work done with groups of pre-scholarly age and with such of scholarly age.

"Pupils in pre-scholarly age groups should be educated in fundamental democratic ideals, such as respect for the dignity of man and tolerance, regardless of the limits to scientific demonstrability. It is not necessary even to point to these limits in this stage of education. It is sufficient to present the consequences of non-democratic practices to the ethical judgment of the class. According as the pupils advance in age, it may be appropriate to warn them that their deepest ethical feelings are based on an urge the source of which is beyond scientific arguments, and to admonish them to be the more respectful toward this urge. But such philosophical insertions need not detract from unwavering education in the spirit of fundamental democratic ideals.

"But any scholarly work done with students in scholarly age groups should be marked by a decisive difference in this respect. It should be based on scholarly methods, and the limitations inherent in scholarly work should, therefore, constitute an ever-present factor. Contemporary attempts to break through or push back the narrow walls that encircle science in value questions should be treated intensively. But students should be kept on the alert regarding the difference between attempts at interpersonal demonstration and subjective proposals of ethical self-determination.

"This does not prevent the scholar-teacher from making proposals of ethical self-determination to any extent compatible with his educational functions. Education in democratic countries should require that students be made thoroughly familiar with the best arguments forwarded by great scholars and religious philosophers in favor of respect for the dignity of man; such as Kant's argument and the argument derived from the impossibility of *disproving* this fundamental claim. Students should be trained to defend democratic ideals well and with scientifically impeccable arguments in discussions with opponents who believe in other ideals, and to beware of fallacious platitudes that can be turned against them in the

discussion. They should, of course, also be made familiar with the arguments offered by anti-democratic ideologies; but first of all they should learn to use the pro-democratic arguments on the highest scholarly level of discussion.

"It must be left to the individual scholar, or to the individual institution, whether to base scholarly discussions on impartial neutrality in value matters, or on certain specific assumptions, or on a systematic dedication of the entire institution to intensive work based on the assumption of or the belief in certain ideals. But assumptions should always be clearly stated."

IV. THE SCHOLAR IN PRACTICAL POLITICS¹³

There seemed to be general agreement that the scholar may take part in practical politics. Mr. Lippincott said:

"He *must* take part if he hopes to understand politics. For political theories are dynamic. The principles, for example, that must be developed to defeat Communist infiltration into a trade union or a political party can hardly be worked out by sitting behind a desk in a study. The knowledge of Marxism must be supplemented by a knowledge of how it is carried out in practice. Answers to problems such as these may mean the difference between maintaining or losing democracy."

Mr. Almond commented:

"Away from his academic office, the scientist is affected by the rules applicable to political debate rather than those referring to scientific work. Even on the platform, however, he is still a scientist and must respect the canons of scientific method. But there he may speak as a 'whole man,' with all the heat which the subject-matter may evoke in him."

Mr. Hallowell stressed that the scholar should not only seek and teach the truth, but also practice it. There was agreement that the scholar, entering practical politics, may make important contributions to the fight of ideologies. The chairman suggested that scholars should urge democratic statesmen to make full use of appeals to the "inescapable" elements in human ethical feelings, as discussed earlier, because one can always be sure of a response to such arguments, even in foreign nations living under a different régime. For the same reason, diplomatic language should emphasize the impossibility of reaching certain goals by certain means. He further submitted the following suggestions for the ideological struggle:

"The United States should always be outspoken in emphasizing fundamental democratic principles, such as respect for the dignity of man, even when practical concessions must be made to avoid war.

"Secondly, United States foreign policy should discard the principle of absolute respect for national sovereignty whenever minimum standards

¹³ This was point six of the agenda.

of respect for the dignity of man are systematically violated by a country's government. The fact that intervention may be impracticable should never lead to recognition of the scientifically and practically objectionable doctrine that, because of the allegedly higher principle of sovereignty, such intervention is fundamentally unjustified. Sovereignty should be considered not a higher but a lower principle in such cases.

"Thirdly, the United States should try to implement its humanitarian foreign policy by urging all countries to establish minimum standards of justice in their domestic constitutions in an 'emergency-proof' manner and to place the preservation of these standards under supranational, quasi-federal institutions, such as supranational supreme courts, on either a regional or a global basis or both."

Lack of time prevented further discussion of these points. When asked whether they were in line with scholarly neutrality, the speaker said that avowedly they were not; but he pleaded that this last point of the debate asked for contributions of scholars under definite assumptions—struggle for basic ideals of right and justice—and that the scholar's conscientious participation in this struggle was essential for advance Beyond Relativism.

UNDERGRADUATE INSTRUCTION IN POLITICAL SCIENCE*

I. THE INTRODUCTORY COURSE IN GOVERNMENT

FRANCIS O. WILCOX

Legislative Reference Service, Library of Congress

Introductory Comments. How and what to teach has been one of the most engaging topics of conversation in political science circles for many years. Yet it is a remarkable fact that not a single department of political science in the United States, so far as the writer is aware, offers its graduate students a seminar on teaching problems.¹ Seemingly we have been content with the old formula for teaching success: "If you would be a good teacher, saturate yourself with your subject-matter and teach like hell." Unfortunately, some of our teachers have done just that.

If we needed to reevaluate our teaching before the war, it is imperative now that a little individual and collective soul-searching be done. The tremendous changes ushered in by the war and the uncertainties of the future emphasize more than ever the importance of our work. The world is entering a new era in which democracy will be put to real test as it continues to meet the challenge of more militant ideologies. It will be an era of bewildering social change accompanied by an increasing awareness of political power on the part of individuals and organized groups. The ideological conflict will be characterized by tension between management and labor at home and the old familiar pattern of power politics—with new forms of nationalism and militarism—in our relations abroad. Students will be bombarded with propaganda from every quarter. Freedom of speech may be difficult. There will be a genuine concern over the re-defi-

* The reports here presented on teaching problems in political science grew out of a series of round tables held in Washington during the war years, and were prepared by an editorial board of the American Political Science Association's Committee on Undergraduate Instruction. While they were submitted to Committee members for comment and criticism, responsibility for preparing them rested with the editorial board, and they do not necessarily reflect the views of all members of the Committee. The reports are of a preliminary character, being designed primarily to stimulate further discussion of important problems in the teaching field. Members of the Committee during the past year included: Francis O. Wilcox (*chairman*), Charles Aikin, Ethan P. Allen, Herbert W. Briggs, Asher N. Christensen, Finla G. Crawford, Royden J. Dangerfield, Marshall E. Dimock, Harold M. Dorr, James W. Fesler, George A. Graham, John Russell, Harvey C. Mansfield, Roscoe C. Martin, Charles McKinley, John D. Millett, Victoria Schuck, John A. Vieg, Robert A. Walker, Benjamin F. Wright, and Charles G. Post.

¹ The University of Michigan will offer such a course next year. I am also informed that Syracuse University has offered one for some years, although it deals mainly with evaluation techniques.

nition of democracy in terms of contemporary life, and students will demand a more practical, realistic education than they have had in the past.

Meantime many old problems in government will assume new proportions as a result of the war. Taxation and public finance, housing, consumer problems, labor relations, national defense, the conduct of foreign relations, federal-state relations, executive-legislative relations, regionalism, the political process, public opinion, the relationship of government to business and to the individual—these are a few of the problem areas that are looming large. Teachers of government will be confronted with the double responsibility of helping to reinterpret these phenomena in the light of new conditions and of developing an informed citizenry which, through intelligent participation in the democratic process, will be able to meet the perplexing challenges of a new age.

In suggesting that a little *collective* soul-searching is in order, I do not mean to imply that individual instructors should rest on their oars. Nevertheless, after years of hit-and-miss methods, it would seem high time for the members of the American Political Science Association to adopt more effective methods of exchanging ideas about teaching problems and to inaugurate joint studies of common problems which perplex teachers of government everywhere. With this general objective in mind, it is the purpose of this paper to present some of the leading questions which should be re-examined and the action which might be taken with respect to the introductory course.

By the introductory course, I mean the elementary course in government normally offered to freshmen and sophomores in colleges and universities. While the course varies in length and content, it appears in the catalogues of most institutions as a study of American national, state, and local government. In considering this problem, however, there are two possible lines of development which must be kept in mind: (1) the re-examination and reorganization of the introductory course in government; and (2) the development of a broader social science course designed to supplement, or even replace, the introductory course. In view of the importance of this second possibility, I have felt it desirable to comment upon it at some length.

These two lines of development—the minimum and the maximum—are by no means mutually exclusive. Certainly a one-year social science course (six to eight semester hours) would not obviate the need for a basic course in government. On the other hand, if a two-year social science program is offered, most of the basic essentials can be covered and no elementary course in government would seem necessary. In view of the wide variety of programs found in our colleges and universities, it would be helpful to make progress along both lines simultaneously in various institutions.

At the outset, it is imperative that steps be taken to raise the prestige value of the introductory course to a position commensurate with its place in the college curriculum. It is by far the most important course offered by the department; it is, in many ways, the most difficult to teach. It must not, therefore, be turned over to the younger instructors and graduate assistants and neglected by the more seasoned staff members. It deserves a great deal of time and attention and, above all, it deserves the best teaching talent the department can afford.

What Should be the Objectives of the Introductory Course? When one goes into a ticket office, he has to know where he wants to go—including the route he wishes to take and the stop-overs he wishes to make—before he can buy his ticket. Most teachers have not been so concerned about their destination when they begin the introductory course. Too often the main objective is to cover the textbook in the allotted time. No doubt our teaching would be improved if we would (1) define in advance the objectives we hope to achieve in the course; (2) adapt our approach and subject-matter to enable us best to reach the objectives; (3) devise evaluation methods to determine in what ways we fail to attain our objectives; and (4) revise the course accordingly.

During the war, the Navy training program geared its courses to a strictly limited objective, namely, to teach the trainees in the shortest possible time the skills and abilities needed to do their specific jobs. Billet analysis experts went on shipboard and recorded exactly what signalmen, gunners, and others were required to do in combat and in normal cruising conditions. In the light of these findings, curricula for training programs were constructed and constantly revised. Much of the material offered in certain courses was eliminated because it did not contribute directly to attaining the objectives agreed upon. By doing away with these intellectual detours, the Navy instructor was able to take the most direct route possible to his goal.

Obviously, the goal of the teacher of the introductory course cannot be so clearly defined. He must have in mind the objectives of general education, the objectives of his own institution, and the needs of his particular group of students. No one would argue that the introductory course ought to be served in the same dish regardless of whether the banquet is being held at Pomona, Purdue, Columbia, Kansas State, or the Massachusetts Institute of Technology.

On one point we can speak out unequivocally. Most of the students who take the introductory course will not take another course in political science, and many of them will not take another course in *any* social science. On the other hand, practically all students who major in political science will start their political science training with this course. As between these two groups, our obligations are clear. The introductory course,

in the first instance, should be designed to meet the needs of the great mass of students on the campus who may soon become responsible citizens. This paramount objective should not be compromised in order to cater to the particular needs of potential political science majors. Every year we have an opportunity to encourage thousands of budding dentists, doctors, engineers, and scientists into the paths of good citizenship. We ought to make the most of it.

We all agree that the objectives of the introductory course will vary somewhat depending upon the nature of the institution, the make-up of the class, and the temperament of the instructor. In general, however, it ought to be designed primarily to accomplish the following: (a) to give the student that general body of knowledge about government and public affairs that will help him become an effective citizen; (b) to develop a broad understanding of the workings of the American constitutional system; (c) to encourage an understanding and appreciation of the democratic way of life; (d) to develop the student's ability to observe and analyze and form well-considered judgments about government and public affairs; (e) to develop sound methods of investigation and reflection and the ability to evaluate information; (f) to stimulate active interest and participation in civic affairs; (g) to make clear the rôle that individuals and organized groups can play in the political process; and (h) to demonstrate the relationship of the study of government and public affairs to the other social sciences.²

In general, I think we can agree that there ought to be less and less emphasis on facts and historical details, and more and more on developing certain interests and attitudes of mind, the ability to interpret facts and ideas, and to think critically. The dominating objective should be to encourage an appreciation of the nature and value of popular government—what difference it makes whether we have it or not—what the alternatives are—what institutions would seem to be essential for its preservation. If instructors can make real progress toward this goal, we can forgive many sins.

In the long run, of course, we should aim at more than a mere understanding of democracy. What we want is a willingness to take action in order to preserve and perfect it. For knowledge, unless it is the gateway to more intelligent living, is like the parsley on a baked ham—for decorative purposes only. We must, therefore, do everything within our power to personalize the course, to bring it down out of the clouds and make it meaningful in terms of the every-day lives of our students.

² One committee member considered this list of objectives too comprehensive. It would seem, however, that most general education courses should have at least one or two objectives in each of the following areas: (1) acquisition of information; (2) critical thinking; (3) development of study skills; and (4) interests and attitudes.

One final word should be said about objectives. Many teachers who were associated with the government during the war are convinced that if students are to gain a real appreciation of the democratic process, the teaching of government must be made more realistic, more human, more dynamic. We cannot all take our classes to Washington. But we must do our best to bring Washington, as it actually functions, to our classes. The hiatus between the textbook and the laboratory must be bridged.

This war-time development merely reemphasizes the genuine need for the teaching profession to keep from operating in an intellectual vacuum. It reemphasizes the desirability of teachers retaining continuing relations with local, state, and national agencies and with international organizations, either as consultants, as part-time staff members, or as interested observers. It reemphasizes, too, the desirability of establishing coöperative ventures between government and higher education whereby an agency like the State Department might invite a number of instructors each year to serve as temporary members of its staff. Such an arrangement would result in a cross-fertilization of ideas and would be mutually beneficial.

Meanwhile, the Committee on Undergraduate Instruction, in collaboration with the American University and the District of Columbia Political Science Association, is planning to inaugurate a series of two-week seminars in Washington for the benefit of the younger members of the profession. Arrangements will be made for the group to observe the Congress, the Supreme Court, and the various departments of the executive branch in action, and discussion groups will be held with leading national figures. An attempt will be made to present an intimate picture of how the government functions at the national level.

What Changes Should be Made in the Content of the Introductory Course? Assuming that there can be a meeting of minds on the general objectives, what subject-matter offers the best road for reaching these objectives? A survey of comparative government? A study of the organization and functioning of American government at the national, state, and local levels? A description of the organization and functioning of American national government? An examination of the main theories or ideologies relating to the use and control of political power—such as communism, fascism and democracy? A legalistic study of the state? A functional approach? Or perhaps a general orientation of all levels of government from local to international?

It would be difficult to prove that any one of these subject-matter roads is a more direct route or is paved with better concrete than the others. A competent teacher might reach his goal satisfactorily regardless of which one he decides to take. In fact, he might find it profitable to travel some distance over several of the roads. In that event, the question becomes very largely one of determining the time and emphasis to be placed on

different topics so that a satisfactory balance can be achieved. But let us be more specific. For the sake of argument, let us take the traditional course dealing with American national, state, and local government. What changes in respect to subject-matter should be made? I have received specific suggestions from many teachers of government throughout the United States. Here are a few of them which have fairly wide support.

In the first place, there is general agreement that the course ought to be concerned less and less with legal technicalities and more and more with broader problems of public policy. There ought to be less of history and more of political science; less of structure and more of function; less of facts as such and more of what the facts mean. There ought to be less space in the average text devoted to the details of government procedure and more devoted to the nature of democracy.

In the second place, there is a strong conviction that most students in the introductory course do not receive a satisfactory picture of the administrative process. The tendency of text writers to catalogue the activities of the federal government, to list in a detailed way the organization and the functions of the different agencies, departments, and bureaus, has the effect of overwhelming and confusing the student. Clearly, the detailed description of agencies is the kind of information that ought to be reserved for the government manual. What the average citizen needs to know, in broad terms, is the nature of the problems the agency faces, and how it actually operates to meet those problems, particularly with respect to its relations with the Congress, the President, the courts, state and local governments, and pressure groups.

Under the circumstances, it is not surprising when many students complain that administration is the least inspiring part of the entire course. Yet we know that administration, far from being cold and lifeless, is in fact a study in human relationships, coöperative action, and dynamic leadership. As such, it is full of warmth and vitality. What we, as teachers, must do is to reveal the people behind the charts and demonstrate that we have a government of human beings as well as a government of laws. We would do much to reinvigorate the course if we could portray the administrative side of the story of government as a dramatic story of problems, processes, and personalities.

In the third place, it must be apparent that we have neglected to give adequate attention to the concept of democracy. We speak at great length about the electoral process, the legislature in action, the Constitution, the courts, and the executive, but nowhere do we pause to ponder the real meaning of democracy. Yet here, it seems to me, is the all-important question. What is democracy? What are its weaknesses? Wherein lies its strength? What are its chances to survive? What is the real nature of the

alternatives to democracy?³ It is infinitely more important for a student to think about these questions than it is for him to know the steps a bill must go through before it can become a law.

Equally perplexing is our failure to deal with public opinion. Can any one pretend to know how government functions, either in a democracy or a totalitarian state, if he is not aware of the nature of public opinion and how it is formulated? Can any one argue that an understanding of the rôle of the press, the motion picture, the radio, the church, and the schools in our governmental system is less important than a knowledge of the electoral college? Yet most of our texts avoid a systematic discussion of public opinion as they would the plague.

These sins of omission are the results of an intellectual hangover from by-gone years. They represent a natural text-book lag which is the fault of the instructor-consumer even more than of the textbook writers. For when an acceptable subject-matter pattern has been worked out for a course it becomes difficult—yes, even painful—to discard last year's lecture notes in order to utilize a new approach. Consequently, both the writers and the publishers know that any book which departs very far from the beaten path will probably be an unprofitable venture.

Such sins of omission may be found in practically every area of American government. Take political parties, for example. The history of the bi-party system is both interesting and important. But what about the actual functioning of the party machine? What about the nature and the activities of the American politician? What about such problems as the value of political compromise in a democracy? What about a consideration of the ways and means by which, both individually and in groups, citizens can participate effectively in party politics? These are questions which all students of government ought to explore.

Of even greater urgency now is the need for a proper consideration of government at the international level. At the very least, in a course devoted primarily to training for citizenship, a survey of the structure and functions of the United Nations would seem imperative. Given the relationship of public opinion to world peace, it would be nothing short of criminal if freshmen and sophomores were not given the opportunity to study world problems and world government. The responsibility for affording them such an opportunity falls squarely upon the political science department.

"But," some people will argue, "if we introduce so much new material,

³ These questions, I believe, can best be answered by a brief excursion of from two to three weeks into political theory and comparative government so that democratic ideals and principles can be compared with fascist and communist ideologies.

how can we give adequate treatment to state and local government?" This is not a convincing argument. For years, students and teachers alike have complained that the study of government at the national, state, and local levels often involves a considerable amount of monotonous overlapping and repetition. My own inclination, therefore, would be to reduce drastically the amount of time given to state and local government *as such* and devote that time to other hitherto neglected problems.

If the traditional course is to be retained, such revisions as those indicated above would seem to constitute the bare minimum in the way of change. I am not arguing for an entirely new approach. The familiar pattern of the Constitution, the President, political parties, the Congress, the courts, and the executive branch has its merits. It affords the student something tangible to grasp, and is perhaps easier to comprehend than a more abstract approach. The old framework, rehabilitated by a few relatively minor surgical operations and reinvigorated by a few blood transfusions, can possibly be reshaped to meet our changing objectives.⁴ The suggestions which have been made above, merely by way of example, indicate that a comprehensive study of the whole problem is in order.

The Social Science Course. So much for the minimum that should be done. What about the maximum? In recent years there has been a growing feeling in many quarters that a broad social science course offers a more effective introduction to the study of government than the standard course in American government. In a few institutions, as at Chicago, the social science course has replaced the introductory course. In others, it has been used to supplement the existing curriculum. But in nearly all cases—whether it be a citizenship course, a simple survey of political science, economics, and sociology, a social problems course, a study of the community, an analysis of the major institutions of modern society, or a combination of several of these approaches, the major objective remains essentially the same, namely, to give the student an over-all picture of the social sciences without regard to artificial subject-matter boundary lines.

One may well question the wisdom of steering the student directly into the elementary economics, sociology, and government courses. Take political science, for example. With the background afforded by a good social science course, it becomes possible for the student to study government with the whole social scene as his frame of reference. Is it not more logical to examine the problem of constitutional revision *after* he has been introduced to the broader concept of social change? Or to study the conduct of American foreign policy *after* he has examined the nature of the state system within which our policy is formulated and executed?

⁴ It is my argument that the objectives outlined above can be reached by means of a revised American government course. With this argument, one committee member vigorously disagrees. "The old nag is cancerous," he writes, "and a few blood transfusions are not going to save it. Major surgery is in order."

As I have said, the main advantage of the social science approach is that it cuts across departmental lines to select those relevant materials which will demonstrate the essential unity of life and of learning. It should enable the student better to understand government in its true perspective—as one of several interrelated disciplines each of which, without the aid of the others, is able to illuminate in only an incomplete way the world in which he lives. It not only avoids a piecemeal approach; it also eliminates the traditional departmental labels with which the subject-matter of the social sciences has been so persistently tagged.

Moreover, the objections which have been raised against the social science course are not fundamental. The criticism, for example, that the course is “too thin” is certainly not valid, although the simple survey in which representatives from the economics, sociology, and political science departments present in turn the basic essentials of their disciplines may result in certain important topics being superficially treated. The superficiality of a course depends upon the selection and presentation of subject-matter, and those in charge of a social science course may cut deeply into relatively few topics in order to achieve their objectives if they choose to do so. Even in a survey course, it is not necessary to survey everything.

Likewise the argument that it is difficult to find appropriate readings or teachers with broad enough backgrounds is not too convincing. Naturally, the proper planning and presentation of such a course is a large order. It means the mastering, in part, of several fields. It means keeping up with ever-expanding sources of materials. It involves the ability to make clear relationships in various areas of learning. But, given extra time and energy on the part of the staff, it can be done.

It is argued also that the social science course tends to place the emphasis upon the weaknesses, the sore-spots, of modern society—thus imparting to the student a cynical, hypercritical point of view. This criticism, which is directed more at the social problems course, likewise applies to some of our debunking teachers of political science. Any course in the social sciences, if conducted in a negative, destructive way, will certainly contribute to a feeling on the part of students that the world is in such a mess that it is useless to do anything about it. Skepticism, disillusionment, and mental flabbiness may be the result. But in the long run, it is not the subject-matter approach as much as it is the attitude of the teacher which will determine whether a course will have positive or negative results.

In connection with the social science course, two important questions inevitably arise. Who will do the course planning and who will teach it? It is, I think, highly desirable to place a single instructor in charge of each class so that he may cover the entire year's work with his group and act as the integrating factor for them, even if other teachers are invited to share in the classroom instruction. Here is a case where too many highly

specialized cooks may fail to turn out a balanced meal. On the other hand, if a proper balance is to be maintained, specialists from various disciplines should share in the *planning* of the course. Observation at many institutions has shown, for example—if we may change the figure of speech—that when the sociologist writes the prescription the final product may be too heavily weighted with juvenile delinquency, folkways, and the use of leisure time. Whether such medicine would cure the patient or produce a slight touch of nausea depends on one's point of view. In any event, the selection and arrangement of course materials, the determination of readings and assignments, and the preparation of examinations ought to be a *joint* project.

It is highly significant that many teachers who have constructed and taught a broad introductory course in the social sciences are enthusiastic about its potentialities. The criticisms come mainly from those doubting Thomases who know little or nothing about it. The future of such a course in the colleges, however, will depend in large measure upon the foresight and thoroughness with which the high schools tackle the problem. If they can meet the need, we should defer to them. In any event, it is important that our program should be closely integrated with current developments in the high school system.

Instructional Methods. In our deep concern over subject-matter, we must not underestimate the importance of developing and improving our teaching techniques. Indeed I am radical enough to believe that a little team-work between the political scientists and the professional educators would be mutually beneficial. The educators have conducted many useful studies in evaluation, interdepartmental coordination, and teaching techniques in general. Yet without our knowledge of subject-matter they are forced to work, to a certain extent, in the dark. And without their basic interest in pedagogy to spur us on, we may go plodding along a generation behind the times.

There is one problem in particular which should give us pause—our slowness to utilize laboratory methods in political science. It is a false assumption that the physicist and the chemist must resort to laboratory exercises to demonstrate the basic principles of their disciplines while the social scientist need not do so. Listening to lectures may be helpful. But well-organized trips to legislative chambers, court-rooms, and polling-places undoubtedly give young people a much more vivid understanding of their society and a much keener appreciation of it.

Such a program would require more planning, more manpower, more money. Up to the present, however, continued pressure by natural science departments has resulted in the expenditure of an undue portion of university budgets for microscopes, test tubes, and atom smashers, with only the crumbs left for the social scientist. We must develop a program worthy

of our objectives and then move in on the administrators for our full share of the loaf. Meanwhile, even though the present inflated size of classes makes the organized use of community resources extremely difficult, we can still make arrangements for individual students to visit the city hall, the state legislature, and other points of interest.

Moreover, we must never forget that the campus itself offers a valuable laboratory where many practical lessons in democracy can be learned. Numerous opportunities can be given students to aid in planning, organizing, and executing all kinds of curricular and extra-curricular activities. One example, apart from student government, which can be utilized much more effectively than now may suffice. Some years ago, the writer was in charge of three classes covering the same subject-matter. A group of nine students—three elected from each section—constituted the planning committee for the course. It was the function of this committee, meeting with the instructional staff, to voice the sentiments of their classes, criticize course procedure, recommend desired changes, and so on. This arrangement proved an excellent tonic for class morale. It not only made students feel they had a real hand in planning and conducting the class; it also resulted in worth-while improvements in the course.

Lack of space makes it impossible to discuss the many instructional devices with which the teacher of the beginning course might profitably experiment.⁵ The success of these techniques will depend upon such variables as the nature of the course, the make-up of the class, and the personality of the instructor. In any event, such questions as the following might well be raised: Have we fully exploited novels, short stories, biographies, and plays as a source of interesting reading about government and politics? Can critical essay writing, perhaps in collaboration with the English department, be used more effectively? To what extent can films, slides, graphs, and charts be used to make the course more interesting? How far should we go in arranging for students actually to participate in politics or civic affairs? Have round tables, panels, and discussion groups been used to the best possible advantage? Is it feasible to encourage inter-departmental collaboration with respect to the course?

One final word should be said about evaluation. In this area, our progress has been woefully inadequate. For the most part, the tests we have used have been designed largely to determine whether the students are to be given a failing or a passing mark. We should now move on to the task of constructing reliable diagnostic tests which will measure such things as interests and attitudes of mind, study skills, and ability to think critically. With the aid of such tests, we can measure our teaching effec-

⁵ One committee member feels strongly that the lecture method and the textbook must both be eliminated—that we should use “important original writings and the seminar method.”

tiveness with respect to each of our objectives, and then proceed to ferret out our weaknesses so that we may take those steps necessary to make our course really effective.

Concluding Comments. From what has been said, it is apparent that much can be done to inject new life and vitality into the beginning course. Given the present world situation and the kaleidoscopic changes taking place in government, this should be done *now*. It would be most unfortunate if, on account of the present pressure of crowded classrooms and heavy teaching loads, real progress should have to be postponed until something like normalcy returns to the college campus.

In this important task, the American Political Science Association can do much to help. It can encourage a joint consideration and definition of major objectives and a careful review of course content. It can facilitate an interchange among political scientists of course outlines, reading lists, examinations, and teaching techniques. It can study the possible uses of available films, slides, charts, and graphs, and lay plans for the production of new ones. It can make a similar study of evaluation techniques. It can enter into closer working relations with the National Council for the Social Studies, the American Economic Association, and other national organizations interested in the social sciences. It can do much to stimulate good teaching and to secure for good teachers the professional recognition they deserve.

Events of the past two decades have demonstrated again with terrible clarity the truth of Comte's maxim that "ideas rule the world or throw it into chaos." With this in mind, we should move now to make the introductory course a more vital and dynamic force in the lives of our college students.

II. THE MAJOR IN POLITICAL SCIENCE*

HARVEY C. MANSFIELD

Department of Commerce, Washington, D. C.

A requirement of subject-matter concentration—generally to the extent of two full-year courses or their equivalent in the student's annual budget of four or five—during the last two years of the undergraduate curriculum is common to the great majority of colleges and universities granting liberal arts degrees. It complements a requirement of diversification that is also commonly prescribed as a restriction on the freedom students otherwise would have to concentrate still further in their choices among course offerings. Together, the two embody a philosophy of balance in the

* The members of the Committee did not have opportunity to read and express themselves on this article.

distribution of studies; but they do not define the scope or content of any particular area of concentration.

The requirement of a "major" applies equally to a wide variety of fields of study, in the humanities and the natural as well as the social sciences. The aims and problems of the major in political science, therefore, are in large measure those of the major as such. They merge, indeed, into the broader question of the general goals of college education in the upper-class years, since the major figures so importantly in the work of juniors and seniors. They focus on two points chiefly: (1) the course content, or area of the major in political science, and (2) the ways and means of instruction within the major, to the end of deepening its educational value. Put more briefly, the problems are what to learn and how to learn in the area of principal interest. On both these points, the initiative in formulating policy belongs to the faculties concerned.

We do not, naturally, have an altogether free hand to fashion the answers. In any particular case, their local coloring and configuration, at least, are likely to be governed by the peculiarities of the subject-matter, or of the institution, or of the clientele. Each of these has a bearing.

I

If there is not theoretical agreement over the proper content of the field of political science, there is at least a good deal of uniformity of behavior among faculties in the offerings of courses under that heading in the catalogue. A four-fold grouping is a standard pattern: (1) something of political theory, whether the approach is analytical or historical; (2) courses in comparative government, ordinarily confined to nations of Western Europe and of the British Commonwealth, with passing gestures to the east and occasionally to the south; (3) courses in international relations, embracing the legal framework, political processes, and dominant motivations of the conduct of foreign affairs and international government; and (4) a plethora of courses in American government, broken down on an area basis into national, state, and local, and functionally into politics, public opinion, parties, and legislation; constitutional and administrative law; public administration (this in turn susceptible of minute subdivision); business regulation; etc. Courses organized on a problem approach, such as civil liberties, regional planning, or crisis government, may cut across these categories. How can a student "concentrate" on this array of specialties? He may spread his four courses so as to include one from each of the four groups, or in many universities he could take all four in American government without exhausting the resources of the faculty. Plainly, no single pattern of choice among the available permutations emerges to define automatically the content of the major. On the face of it, there are majors to be taken in international relations, in Ameri-

can government, or in personnel administration, as plausibly as in "political science."

Concentration and diversification are fuzzy concepts in themselves. Does concentration denote more than the restriction of attention to a limited area? Even by that standard, concentration on four broad courses such as American government, the history of political thought, European political institutions, and international politics, is hardly concentration at all. But if a higher degree of intellectual effort is also implied, it does not follow that specialized courses in budgetary procedures, sales taxes, and expenditure controls, for example, necessarily amount to concentration, although all are comprehended under the heading of municipal fiscal administration. And does diversification, by the same token, call only for "survey" courses, or is it satisfied by an aggregation in a student's course of study of miscellaneous fragments, otherwise widely scattered, like the Koran, Belgian ceramics, and the folklore of Tahiti? If the major is to serve a broadly educational purpose, the concentration it provides must aim at the integration of knowledge, the perception of relationships, and the cultivation of mental powers beyond memory.

The problem of choice that arises from specialization is therefore complicated further by the need for recognizing the interdependence of knowledge, and particularly the interrelations of the social sciences. Courses in some branches of economics, psychology, sociology, and history have a valid claim for room in the curriculum of the political science major. If that room is found within the four courses of the major, what room is left? If, instead, the student is encouraged or required to surround his major courses with a selection from these allied fields, what becomes of the principle of diversification? For it can hardly be contended that a course in, say, labor relations, though taught in the economics department, is more remote from the interests of a major in American government than a course in medieval political thought which may be given by a colleague in the political science department. The illustrations can be multiplied. All that can safely be concluded at this point is, first, that the number of indispensable courses must be very small—and justified, if at all, on narrower grounds than the indispensability of their subject-matter; and second, that within the major there exists in a more intense form the same problem of balance between concentration and diversification that attends the choice of courses outside the major.

II

The pattern of the major is vitally affected by the character and resources of the particular college or university. Its traditions and outlook; the size and standing of its faculty, in whole and in its political science and related departments; the leadership of the department; the ratio of stu-

dents to faculty, and of political science majors to others; its emphasis on graduate, professional, or vocational work; the adequacy of its library facilities for individual student investigations; its connections with local governmental bodies or other institutions which may afford opportunities for field work or consultation—these and other like factors largely determine what is possible to offer to would-be major students, or to require of them.

There must be scores of small colleges whose entire faculty in political science consists of one or two teachers, perhaps with student readers as assistants in these days. Provided the teaching load is proportionate, such a régime may afford the best of opportunities for the mutual probing of ideas, despite restricted physical facilities and a limited range of course offerings that may make it necessary to draw upon several allied departments to fill out the minimum course requirements for the major. Of course, it may also mean only that the designation of a major is merely a bit of formal window dressing for meagre and mediocre goods. And if the teaching load is overpowering, it surely means that intellectual stimulus is worn down under the grinding necessities of scheduled routines.

The degree of vocational emphasis is probably more significant for its effects on the major in larger institutions, unless the vocational training is separately recognized and insulated in an organization apart. Otherwise, the tendency toward an undue proportion of required courses, especially "tool" and descriptive courses covering technical specialties of limited intellectual content, is likely to have a blighting influence on those whose interests are not primarily vocational.

The effect of crushing faculty workloads is a still more serious institutional factor in these times. The trend of student choices, away from the traditional Humanities and into the social sciences, that set in so strongly fifteen years ago, and that was attributed then to economic conditions, has apparently been reinforced in the aftermath of World War II. Even at Harvard this year, more students have chosen the field of government for their area of concentration than any other. Inevitably the distribution of faculty manpower among departments lags behind such trends, and the universal and unprecedented increase in enrollments have multiplied faculty burdens. It is idle in these circumstances to indulge schemes of instruction in the major that involve systematic and time-consuming individual student contacts with senior staff members. When upper-class courses that used to draw, say, fifty students are now tripled in size, the basic arithmetic dictates heroic measures.

The staffing pattern within the department is important, too, if the number of major students is relatively large. A department atomistically constructed so that its main weight consists of several more or less coördinate senior staff members makes apt provision for a variety of advanced

lecture courses and seminars, and for a limited number of individual student conferences. It takes on additional majors easily so long as it has unused capacity. It is likely to break down, however, beyond that point, and cannot easily be expanded in the same pattern. Strong guidance exerted to enforce an equalization of the burdens may help temporarily, but this is pretty sure to frustrate both student preferences and faculty habit. It is on the whole a sound impulse among students, within their area of concentration, to insist on access to those they recognize as furnishing the principal intellectual leadership and stimulus in the institution. A pyramidal department, on the other hand, with its center of gravity in the lower ranks, while perhaps more flexibly adaptable to an increasing total workload, deteriorates more quickly in quality of work when confronted with an increase in majors, if the major program involves any considerable proportion of individual conferences.

III

The clientele is compelling, within the range of the choices open to it, when it knows its mind. No doubt the time will return when the choices will be wider, and it will not be enough to satisfy a student that some college, any college, has accepted him for matriculation. But for the present, the sellers' market in education tends to reinforce the effects of the normal condition: most students do not know their minds as to the specific purposes of their education, expect to be advised (if not told) what it is to their best interests to learn, and think indeed that that is a substantial part of what they pay their tuition for. Only a minority know their next goal after graduation in any specific terms. This is perhaps the outstanding immediate fact to be reckoned with in planning the major.

Alongside it is the fact that students today take more seriously than ever the decisions involved in the choices of courses and majors. The testimony is universal that the returned veterans set the tone, that they are more mature, and that they mean business. Accordingly, the major must have a rationale, and it must be conducted in a fashion that brings standards and performance into recognizable relationship. The rationale must accommodate the needs of those who look forward to graduate work and teaching careers in government; to those who expect to be professional practitioners, whether as lawyers or in administration or otherwise; and to those whose interests are not vocational at all and whose goals are no more specific than useful citizenship. These last are much the strongest numerically, and their problem should not be subordinated to the other and easier ones.

Weakening the force of this more serious student interest, however, is the wide range of disparity in student ability and training. Over the past generation, the proportion of the total population of college age actually

going to college has increased to a wholly unprecedented degree. There is good reason to believe that the force of this trend is not spent, in spite of the prospect that federal payments for G.I. education at colleges may be expected to dwindle as the veterans pass out of the college-age brackets, and in spite of recent outrageous increases in tuition at many private institutions. The fact is therefore that the college population has come to approximate more nearly a cross-section of their age group in the nation at large. In the publicly supported institutions at least, this means that the programs for majors must be adapted to the capacities of all who choose to go to college and can survive the scholastic standards of the first two years. They cannot make esoteric demands. In the private institutions that limit enrolments sharply, this factor is perhaps overshadowed, but it cannot be disregarded in very many of them.

On the positive side again, the opportunities for rewarding studies for majors in government, and the challenge to provide them, have never been greater. These arise directly from the great increase in student interest in government, national and international, and the readier availability of a wide variety of materials for study. There is no incentive to effective teaching like a willing pupil.

IV

What can now be said in answer to the questions posed at the beginning of this paper?

The first observation is that the preceding analysis gives little guidance to the specific content of individual courses. I rule that problem out as beyond the scope of the present discussion; it is one to be resolved by the individual instructor in consultation with his department, in the light of too many special circumstances to permit dogmatic prescription, or indeed any adequate treatment in brief compass. Professor Fesler has outlined in general terms for this symposium the content of a course in public administration. I would accept his outline without substantial amendment, while recognizing that other distinguished teachers in the field have organized, or could organize, equally good courses differently.

Next, flexibility must be the keynote also in the provisions governing the students' choices of major courses. For this purpose, some intelligent individual advice is the first need. Only the direst pressures of faculty workload or departmental incompetence should justify permitting students to make their selections without departmental consultation. This is a minimum condition for any rational and systematic planning of major programs. It furnishes the occasion both for an evaluation of the courses available for selection and also for an inventory of the student's previous training, creative capacity, range of interests, and future intentions. The repetition of such consultations across an entering group of students

should develop some standards for recommending patterns of course choices that best fit the institution's resources and the more commonly felt student needs. For the minority of students who have clearly defined goals after graduation and definite preferences among course offerings for their majors, the soundest advice appears to be to honor their preferences. For the rest, the problem is one of steering between extremes of concentration and diversification. In general, the less sharply defined the student's objectives, the greater the emphasis to be placed on diversification; only where his vocational interest is strong and is limited to the specific area of available courses should concentration be encouraged by sharp restrictions on subject-matter selections.

The choice between survey courses and those of a more intensive type for the major involves somewhat different considerations, going nearer the root of the problem of ends and means. It should be plain, in fact, that the question of the area of coverage is not the decisive one for a successful major. Its ultimate success depends rather on devising and using methods of teaching such that, whatever the course content, the student is led to develop his critical and analytical faculties to the end of straight thinking. If the student holds up his end, this can be accomplished by the assignment of individual topics for special papers in a survey course, by appropriate presentation of materials in an advanced course, by discussion and writing in a seminar, or by tutorial work with majors individually outside their regular courses.

The special difficulty with individual papers written in a survey course, for this purpose, is of course the avoidance of purely descriptive essays drawn from limited and secondary or tertiary sources. Unless the assignment necessitates analysis, it loses its reason for being, and by the same token the course loses its claim for inclusion in the major.

The presentation of materials in an advanced course has similar pitfalls. The use of cases in public law courses is an obvious effort, introduced before majors were thought of, to give training in analysis. But in other branches of the field it is not so easy to put the stress on mental effort. There is no automatic progression of difficulty in the subject-matter, such as mathematics and languages offer; it is quite possible to build descriptive and uncritical courses in almost any recondite branch of political science without evoking any greater intellectual problems than the location of books.

Of all the devices for bringing out the fullest possibilities of the major, the most rewarding, in the experience of those who have used it, is tutorial. This calls for individually directed reading, leading at the end of the senior year to a paper or thesis which is the object of a good deal of discussion and is put through several drafts before completion. If this degree of concentration threatens the time allotted for other courses, it can well be

substituted for one of them. If it threatens a proper degree of diversification, a comprehensive examination administered by the department and cutting across courses can protect against that. But it is proper and natural to observe that, as in other matters of education, the best way is an expensive way.

III. UNDERGRADUATE TRAINING FOR THE PUBLIC SERVICE

JAMES W. FESLER

University of North Carolina

Along with its obligations to train men and women to serve as useful citizens, to carry on the cultural heritage of the past, and to take their places as productive members of private professions and occupations, the American university recognizes a responsibility to train students for service in federal, state, and local governments. The dimensions of this responsibility are best illustrated by the finding in 1939 that of the men graduates of the University of Minnesota between 1928 and 1936, 41.3 per cent either were or had been in government employment; for the women graduates, the proportion was 66 per cent.¹

A relatively small proportion of students find their way into the judiciary through the avenue of law-school training and practice of the law. Another small proportion become legislators through a variety of avenues, but with the law schools again predominant in the training. The bulk of university graduates who are public servants will be found in administrative agencies. Consequently, undergraduate training for the public service places its principal emphasis on the training of students to contribute effectively as officers and employees of administrative agencies. The university, therefore, is obligated to acquaint students with the opportunities for administrative service and to guide them into courses that will prepare them for such service.

The political science department, being the department primarily concerned with government, must assume responsibility for stimulating the university to an awareness of its obligations in this field. The department is also generally the best-equipped unit to provide the university with information on the kinds of employment opportunities in the public service, the qualifications that recruiting agencies establish for entry, and the ways in which universities over the country are attempting to meet their responsibilities for training for the public service.

¹ Lloyd M. Short and Gordon O. Pehrson, *A Survey of University Graduates Employed in Government Service* (1939). Although the depression played its part in increasing the relative opportunities for government employment, the figures seem too impressive to be lightly dismissed as evidence of but a passing phenomenon.

However, political science departments must drop any pretense that a political science major is the only, or even the principal, means of entry into the public service. Three types of college graduates can be used in administrative agencies. One is the subject-matter specialist—the man who knows thoroughly such a field as chemistry, engineering, labor economics, public welfare, or law. By far the greatest number of college graduates in the public service are subject-matter specialists. In 1937, the federal professional and scientific employees stationed in Washington could be grouped, in order of numbers, as follows: lawyers, engineers, social scientists (including economists, statisticians, political scientists, and others), physical scientists, agriculturists and biologists, patent examiners, and librarians.² The study of University of Minnesota graduates already referred to indicated that in terms of numbers of men graduates in government employment in the 1928–36 period, the colleges and schools ranked as follows: Engineering and Architecture; Education; Agriculture, Forestry, and Home Economics; Science, Literature, and the Arts; Medicine; Business Administration; Chemistry; Law, and a miscellany of other colleges and schools contributing relatively few graduates to government.³

A second type of college graduate used in administrative agencies is the administrative specialist—the man who is privy to the secret lore of budget administration, personnel administration, procedure analysis, records management, or government purchasing. A third type is the administrative generalist—the man who is sufficiently keen-minded, well-informed, energetic, and personable to serve as a general administrator of an operating part of an administrative agency or to serve as a general aide to a top administrator of an administrative agency.

All three types, the subject-matter specialist, the administrative specialist, and the administrative generalist, are sources of recruitment of the few thousand key administrators who direct the administrative work of the federal, state, and local governments. This is often little appreciated, but it is basic to consideration of undergraduate training for public administration. Because administrative agencies are large, there is a constant search for men capable of taking responsibility for segments of an agency's total program. In technical bureaus, it is natural for preference to be shown men already in the organization who combine technical knowledge with administrative ability. Hence, the subject-matter specialists and the administrative specialists are both subject to being called upon to assume administrative posts. The emphasis on specialists is strongest at lower levels of the hierarchy, but extends in some cases to the headship of such major agencies as the Public Health Service, the Weather Bureau, and the

² U. S. President's Committee on Civil Service Improvement, *Report* (1941), p. 12.

³ Lloyd M. Short and Gordon O. Pehrson, *op. cit.*, p. 10.

Soil Conservation Service. Where the function of a unit is not highly technical, or where the technical phases can be handled by assistants to the administrator, or where a premium is put upon having an administrator with a broader vision and greater neutrality than the specialist, an administrative generalist may be put in the key administrative post. The emphasis on generalists is greatest at higher levels of the hierarchy, but can extend down to such subordinate units as the industry and commodity divisions and branches in the Office of Price Administration and War Production Board, where freedom from undue industry influence was an important consideration.

Although this three-lane approach to public service careers needs to be accepted as basic to training for the public service, it is not necessary to make sharp distinctions among training courses for federal, state, and local administration. The recommendations of a report by an International City Managers' Association committee, entitled *Training for Municipal Administration*, do not vary in essentials from the recommendations customarily addressed to the problem of training for federal and state administration.⁴

There is general agreement that a university can best serve the cause of public administration by *not* offering a narrowly vocational undergraduate curriculum in public administration. Such a vocational curriculum would clearly exclude the subject-matter specialists, who must spend most of their time as undergraduates in mastering chemistry, engineering, economics, or other specialties. It would not help the administrative generalist, who must get a liberal education, with emphasis on the social sciences, if he is to be equipped for his future responsibilities as an administrator. The administrative specialist, too, would be put in blinders too early in life if subjected to a series of highly specialized courses that would preclude his taking general courses essential to developing perspective and capacity for growth in the course of his administrative career.

Despite this general agreement on the orientation of undergraduate preparation for public service, there will be on many campuses, particularly of state and municipal institutions, a feeling that such an orientation evades the universities' obligation to train for the public service. Three arguments are made. One is that if undergraduate schools of business administration can train business administrators, there must be an equally sound basis for training public administrators through an undergraduate curriculum of specialized courses. In fact, it is often suggested that the two cases are so much of a kind that the training functions should be combined in a single school of business and public administration. A second argument is that, quite apart from the validity of "vocational"

⁴ Of course, the urgency of including a course in national, state, or municipal government varies with the governmental level where employment is expected.

training for public administration, the failure to offer such training results in many undergraduates majoring in schools and departments that do train specifically for jobs to be obtained on graduation. Thereby men are lost to government service who might have directed their work toward such service if the university had offered a clear road to a government job. Third, it is contended that political scientists' insistence on a broad undergraduate training demonstrates that they have not come down to earth; they are engrossed with the training of leaders—men who will rise to top-level administrative posts. Forgotten in this noble vision of a university's training of a handful of leaders is the university's obligation to meet the need for middle-level administrators, for managers of small and medium-sized towns, and for administrative technicians of modest rank.

The response to such questioning of the general approach being taken toward training for the public service must stress the following propositions. The first is that students planning to enter the public service need more than any other group of students a breadth of viewpoint, an appreciation of government's rôle in modern society, and a capacity for leadership that cannot be gained if the multiplication of required public administration courses precludes broad ranging over the fields of the social sciences and the humanities. The second is that governments do recognize the value of broadly trained persons for administrative posts, and have made provision for their recruitment upon graduation and for their specific training in particular duties after they become employees. The third is that the emphasis on a broad foundation and a curricular flexibility for students pointing their work toward the public service does not preclude an emphasis on certain core courses having special value to future administrators. Nor does it mean that the university should disclaim a responsibility for publishing appropriate announcements in its catalogues or for counseling students personally with regard to employment opportunities in the public service and with regard to courses that will best satisfy the students' interests and the government's needs. Finally, those students who have particular promise as future public administrators may appropriately be encouraged to take a year or two of graduate training in the many institutions that now offer such training in public administration. It is at this level that the specifically professional training of future city managers and of state and federal administrators must be concentrated. And such advanced training must itself build on the assumption that the students have acquired a broad foundation at the undergraduate level.

Assuming, then, that the undergraduate curriculum in public administration must include few required courses so as to allow subject-matter specialists to master their subject-matter, and so as to allow future administrative generalists and administrative specialists to get a sound

foundation in the social sciences and the humanities, what are these core courses? The essentials are clear. There should certainly be introductory courses in political science, in economics, and in American history. There should be a basic course in public administration itself. The "tool courses" should be statistics, English composition, and psychology. These seven courses—political science, economics, American history, public administration, statistics, English composition, and psychology—constitute the hard core of any undergraduate training for public administration.⁵

The mere listing of courses can be misleading, for it conceals the important factor of the content and approach of these courses. The statistics course, for example, had better be economic statistics or social statistics, rather than mathematical statistics or psychological statistics. The English composition course, preferably an advanced undergraduate course rather than just the typical freshman course, should emphasize expository writing such as is done in government memoranda and reports, rather than the writing of fiction. The psychology course should focus on problems of human relations rather than on the structure of the eye.

Among other courses that some might wish to consider for inclusion among the required courses, often depending on the content and approach of courses at particular universities, are sociology, anthropology, public speaking, public policy, and political parties and public opinion. Government accounting, which in the past has sometimes been thought appropriate for inclusion, seems of too specialized a value to rank as a required course.

While the core courses will vary in length and in credit units at different institutions, the following observations seem generally applicable. First, the list is short enough so that students majoring in almost any department in the university can obtain the core courses without extending the normal four-year period of undergraduate education.⁶ Thus, students in-

⁵ One member of the Committee on Undergraduate Instruction differs with this paragraph on two points. First, he feels that the undergraduate curriculum in public administration should include many, rather than few, required courses, as the first two years of college education should be largely prescribed to assure acquisition by the students of the elements of a general education. The writer, on the other hand, has not felt it appropriate in this brief article on a restricted topic to open up the whole subject of freshman and sophomore curricula for a general education.

Second, the Committee member would substitute a logic course for the statistics course, assuming the number of courses is restricted to seven. The argument is that logical analysis is central to the administrator's job, and cannot be provided by employing a logician on the administrator's staff. In contrast, the administrator weak in statistics can turn to a statistician on his staff for aid. The writer grants the argument, but believes that analytical abilities are developed in well-taught courses in the social sciences; statistics, on the other hand, can best be studied in a special course devoted solely to statistics.

⁶ This will vary with universities and with subject-matter fields. Engineering,

tending to be subject-matter specialists, administrative specialists, or administrative generalists can all obtain the essential foundation for work in the public service. Political scientists should note the implication: the political science department does not have a monopoly in the training of students for the public service. Almost every department of the university is engaged in such training; and even the core courses do not recognize a majority interest by the political science department.

Second, a number of the required courses would normally form a part of the course of study of students whether they were consciously training for the public service or not. This is particularly true of the introductory political science, economics, and American history courses.

Third, the deliberate avoidance of driving a student down a narrow channel of training for two or three years of his undergraduate career means that the student acquires skills that will be useful in other walks of life if he changes his mind about entering the public service or if employment opportunities in the public service are shut off to him.

The course designed to introduce the student to the field of public administration is crucial to the success of the whole program for undergraduate training for the public service. And heavy demands are placed on the teacher of this course. He should be a reflective political scientist who can penetratingly probe into the fundamental rôle of administration—"bureaucracy" if you please—in democratic government. He should have at hand the factual information needed to describe the principal developments in American public administration—the standard material on development of the civil service system, budgeting and auditing controls, and administrative reorganization—and to speak intelligently of the names and functions of the principal administrative agencies of the government. He should himself have served for a substantial period as an administrative official, preferably in a supervisory position—or have been driven by his research interests to an intimate acquaintance with the administrative problems of a particular agency. This seems essential if the teacher is to reflect to his students something more than a bookish knowledge of the problems of public administrators.

In the course itself, there must continue to be attention to what may be called the philosophy of public administration. This would involve such matters as the problem of bureaucracy, the obligation of the administrator to act within the law, the reconciliation of the administrator's loyalty to his conscience with his loyalty to his agency and to his superior officer, and the democratic and authoritarian bases of relations with subordinates. The course must also give attention to the traditional interests of the

some fields of agriculture, and veterinary medicine are examples of fields that produce many public servants, but have insufficient curricular flexibility to assure inclusion of the seven core courses proposed in the text.

political scientist in the over-all structure of the executive branch of the government, in the historical development of public administration, and in executive-législative-judicial relations.

More than in the past, though, a substantial portion of the course should be devoted to the problems of line administration and intra-agency administration. A disproportionate amount of emphasis has customarily been placed on the problems of the chief executive, on topside inter-agency relations, and on the work of major staff and control agencies, such as the Civil Service Commission, the General Accounting Office, and the Bureau of the Budget. Lest there be misunderstanding, it is not argued that these important issues should be neglected in the future. But political scientists have certainly done little in the past to open to students the problems of agency heads in relation to the internal organization and operation of their agencies, or to let them see similar problems within bureaus and divisions. Yet the bulk of the undergraduates planning to enter the public service will most of their lives have to wrestle with these intra-agency problems. Another unfortunate result of political scientists focussing their attention on the major staff and control agencies has been that these agencies, embodying as they do the hard-won legislative victories of government reformers, have been made heroes in the students' minds, to the disadvantage of the line agencies. Consequently, the students are ill-prepared to appraise either the degree to which staff and control functions can be decentralized to line agencies or the degree to which red-tape needs to be reduced in order to give operating officials the requisite authority and flexibility to achieve the ends of public policy.

The modern course in public administration must further give emphasis to the rôle of administrators in the formulation of policy. While it is true that agencies in the executive branch are charged officially with the "execution" of legislative policy, these agencies also play a significant part both in the development of policy recommendations for legislative consideration and in the determination of important public policies under the broad grants of discretion incorporated in modern legislation. Attention should be given to such problems as assuring that policy decisions get decided at the proper administrative levels, facilitating the work of policy committees and boards through secretariat and research arrangements, drawing in the opinion and technical information of groups outside the government through advisory committees and opinion polls, organizing procedures so that affected units within the executive branch are consulted in the formation of policy, and establishing the appropriate rôle of agency lawyers in the making of policy.

Students should be made aware that administration does not consist solely of copybook principles to be applied uniformly throughout the government, but is a dynamic instrument for achievement of public

policy objectives. The administrative instrument must therefore be adapted to the ends of the particular agency with its particular subject-matter assignment. For this purpose, students might well be introduced to one or more of the many administrative histories of particular agencies now available. They will get a feeling of concreteness and reality when they study such histories as those of the Department of Agriculture, the federal relief agencies, the New York Port Authority, and the war agencies.

Students should also obtain an awareness of the realistic factors that affect the life of administrative agencies. This means consideration of the rôle of personal ambition of officials, the importance to officials of symbols of status, the influence of interest groups, the ways in which subordinate units can resist overhead control and coördination, the need for adapting an agency's organization structure to the stage of the agency's life, the importance of the personal characteristics of key administrators, and administrative accommodation to the fluctuations in relative importance of agency functions.

Much stress must be placed also on the fact that administration is group activity. The student must be prepared in advance for the frustrations involved, the likelihood that many of his proposals will be rejected by superiors, the need for adapting his organization's policies and activities to those of the whole agency and to those of other units in the agency, the need for teamwork on specific projects, and the need for meeting deadlines even at the sacrifice of quality of work.

The complaints about the young men and women who have come into the public service from undergraduate training programs emphasize that the new recruits are untrained in group activity and are excessively inclined to be swivel-chair philosophers and critics producing lengthy memoranda instead of concentrating on their assigned portions of specific projects. It may be that we who teach public administration have been passing on far too much of the academic man's tradition of individual freedom and self-direction, his disposition to theoretical speculation about the great problems of society, his perfectionism on quality of research, and his difficulty in arriving at clear-cut conclusions and recommendations without elaborate qualifying remarks. None of these are qualities in which public administrators should be wholly lacking. But public administration is geared to action, and is based upon group activity and division of labor. It cannot afford to have its practitioners so imbued with academic ideals of performance that they are incapable of serving effectively in the non-academic setting of day-to-day government.

The course in public administration should give attention to the problems and techniques of administrative management. Here especially the emphasis should be on the problems of operating officials several steps

down the line from agency heads—the level often spoken of as “middle management.” Attention would be given to such aspects of the practice of administration as the art of leadership and supervision of subordinates; the use of staff meetings; the development of effective lines of communication with superiors, subordinates, and coördinates through administrative orders, progress reporting arrangements, and informal contacts; the documentation of proposals and of decisions arrived at; the skills involved in presiding over, or representing one’s agency at, meetings of representatives of several units, agencies, or even governments; the tools for analyzing administrative operations to bring about more effective performance.

The spirit of the teaching in the public administration course can be described only by the overworked word, “realism.” We shall not advance far if we present to the students mere abstractions and general principles based on a vision of an administrative utopia staffed with carbon copies of an assumed “administrative man” comparable to the economist’s “economic man.” Too many products of this kind of teaching have experienced a shocking disillusionment when placed in an actual administrative environment. On the other hand, political scientists cannot in honesty instill in their students a cynicism that denies the possibility of approaching sound administrative practice. Instead, a realistic approach will emphasize that administrative posts are filled by human beings who vary not only in their skills, but in the intensity of their drives for recognition, in imaginativeness and initiative, in self-discipline, in loyalty to superiors and employing agency, and in maturity of judgment. Much of the fascination of administration is imparted by the very variety of types of persons that must somehow be brought to work together toward common objectives. The realistic approach will emphasize also that the task of the science of public administration is not to fix immutable principles for universal application or to deny the large share that the art of administration plays in achieving results. Its task is rather to isolate the factors that should be considered in arriving at administrative organization and practices, and to pin down recurrent patterns of cause and effect that will increase predictability in the field of public administration. If its task is thus conceived, it will be recognized that choice of a best course will vary with the circumstances peculiar to a given administrative situation and with the relative weight of the relevant factors.⁷

⁷ One member of the Committee dissents from several passages in this and other paragraphs that discount “general principles” of public administration. The writer recognizes that any purported science must point toward the formulation of propositions having wide applicability. He simply feels that political scientists have too glibly formulated “general principles” and that students trained to slavish following of such principles make poor administrators.

Methodology in the teaching of public administration is a difficult problem. The major task is to compensate for the undergraduate student's lack of acquaintance with the administrative environment. This cannot be done by a textbook. Among the possible remedies are: frequent referring by the teacher to his own administrative experiences; arranging for the class or for individual students to visit selected administrative agencies; bringing in public administrators to report to the class on typical administrative problems, assigning readings in biographies of administrators, administrative histories of particular administrative agencies, and case studies; use of student organizations and university administration as examples; and posing of hypothetical administrative problems to students. The more promising students might be encouraged to obtain summer employment in an administrative agency between their junior and senior years, though formal internships at the undergraduate level are probably not feasible.

Beyond the introductory course in public administration lies the problem of what other courses in administration the political science department should offer at the undergraduate level. The problem is posed most acutely if the introductory public administration course is only one quarter or one semester in length, involving only fifty to seventy fifty-minute class periods. Two alternative solutions are open. One is to increase the length of the introductory course to two quarters or two semesters, and have no other undergraduate course confined exclusively to public administration. The other is to retain the brief survey course and offer several specialized courses in such subjects as public personnel administration, public financial administration, administrative organization and management, and administrative law, permitting the students to elect whichever special fields they prefer. While much will depend upon the philosophy of the particular political science department, the writer would prefer to see the basic course extended to provide a thorough grounding in public administration as a whole, while reserving the specialized courses for the graduate school. This in turn would free the undergraduate student's schedule from a requirement that he accumulate several specialized public administration courses. As a result, he could devote attention to a wider range of social science courses—such as federal, state, and local government, constitutional law, public policy, public finance, political parties and public opinion, political theory, labor relations, money and banking, agricultural economics; recent American history, logic, and ethics. The list is far from complete, but is suggestive of the range of courses that the future public administrator might find of value.

In sum, undergraduate training for public administration requires (a) recognition of the university's obligation to facilitate the movement of able graduates into the public service and to guide students into the

courses that will best equip them for that service; (b) acceptance by the political science department of a major responsibility for stimulating the university to a recognition of this obligation; (c) provision of a core curriculum, probably of as few as seven courses, which can be followed by students majoring in almost any department or school of the university, and which will provide an orientation in the social sciences, furnish knowledge of administrative tools, and afford a basic understanding of administrative problems for students planning to become subject-matter specialists, administrative specialists, or administrative generalists in the public service; (d) careful fashioning of the introductory course in public administration so that it shall give students a realistic appreciation of the problems encountered by administrators and an awareness of the experience of administrators who have sought solutions to those problems; and (e) emphasis upon guiding potential administrative specialists and administrative generalists into those advanced undergraduate social science courses which will give them a broad foundation for their later in-service training or graduate training and for their future advancement to positions of administrative responsibility.

IV. THE USE OF VISUAL AIDS IN POLITICAL SCIENCE TEACHING

JOHN D. MILLETT

Columbia University

Like his colleagues generally in the social sciences, the political scientist has prided himself upon the subject-matter content of his teaching. His responsibility has been to enlarge the understanding of the dynamic process by which men govern and are governed. Teaching and research have been coordinate elements of that responsibility. Constantly seeking to find better techniques for observation and measurement of political phenomena, ever trying to define more exactly the field of interest and knowledge, the political scientist has always focused attention upon the subject-matter of his specialization. He has had little time to devote to the problems of teaching methodology.

The very fact that higher education has been selective is another possible explanation for our seeming indifference to improvements in teacher-student communication. From necessity, teachers' colleges and the educational profession have given considerable attention to teaching techniques. Primary and secondary schools are intended for mass education. If they fulfill their purpose, they reach virtually all of the population from six to sixteen years of age. The college teacher has had no such mass obligation. Traditionally, only some ten per cent of our high school population continue with higher education, and they are usually divided among the vari-

ous fields of learning represented in colleges and universities. Selectivity and a limited audience have encouraged the college instructor to concentrate upon subject-matter and to ignore methodology.

Political scientists certainly have no reason to offer any apologies for their primary interest. Their concentration upon subject-matter should continue. At the same time, there are a number of reasons which make it appropriate, particularly now, to ask whether that concentration may not be unduly narrow. Perhaps our greatest fault has been a failure to evaluate the results achieved by our teaching efforts. Every day we assume satisfactory communication between instructor and student. If the examination results are disappointing, we gratify our ego with the assurance that the fault lies entirely with the student. We have been only vaguely aware that there is a psychology of knowledge, that there is more to teaching than carefully prepared lecture notes. We have long realized that some teachers are better than others, and we have usually ascribed the explanation to personality factors. But to ignore the psychological factors in teaching today is to indict ourselves for a failure to keep informed about the subject-matter of a specialized field of knowledge closely allied to our own.

In the second place, we hear much speculation about the effect of the influx of veterans into our educational institutions. On the one hand, we encounter dire forebodings, and on the other optimistic predictions. In the long run, that influence may be less far-reaching than some fear and others anticipate. But there is one thing all teachers should bear in mind: our armed forces were a great educational organization in themselves. For combat troops especially, many more hours were spent in learning than in actual fighting. And necessarily our armed forces had to adopt the best available means of mass communication. Teaching techniques were a major concern to the Army and Navy. Undoubtedly some of that emphasis has been carried over into the veteran's conscious and subconscious judgment. It cannot fail to affect his criticism of college teaching.

The latest prevailing consensus about teaching methods is a subject which deserves our careful attention. Many of us today are seeking more enlightenment on the whole subject of the communication of knowledge. We need further assistance from the psychologist and the educator. To be sure, we have not been totally unaware of the educational principle of learning through doing. Some of our colleges have broken up the academic year in order to permit their students to gain practical experience in their chosen fields. Others have adopted the practice exemplified by the traditional high school trip to Washington during spring vacation. Columbia College, for example, as a part of its course in contemporary civilization, has long made arrangements for its freshman students to visit various points of interest in New York City where they might observe features of

urban living. Some of our universities have made their local environment into a working laboratory. All of these practices have had their effect in giving the student a visual as well as an audial impression of the complexities of modern society.

Here, attention will be concentrated upon two aspects of visual communication, because they are familiar to members of the armed forces and because they have not been much used by political scientists. In general, visual aids mean either charts and similar graphic materials or motion picture films and film strips. These were not the only visual aids employed by the Army and Navy. But graphic aids and films played a major part in the training techniques of the armed forces and are readily adaptable to our own teaching problems.

Graphic Aids. The most common type of graphic aid is the chart. But we might include maps in the category. Certainly all teachers of political science are aware of the importance of maps. Unfortunately, we have not ordinarily made as much use of them as we might. Indeed, it would be helpful if we had some standard series of maps especially designed to illustrate the political geography of the United States and of the world. The Atlas prepared for the Army Specialized Training Program is a useful prototype.

Charts present facts, situations, or objects for making comparisons or for showing trends and developments. At least two types of charts are already familiar to political scientists—the organization chart and the statistical chart. Statisticians in particular have gone a long way in devising various forms of graphic presentation. But the emphasis has been entirely upon the presentation of statistical information in reports for administrative use. Both corporations and government agencies have expanded statistical reporting in recent years. Little if any attention has been given to the use of statistical charts for instructional purposes.

There is a real need for statistical charts which could be used in the classroom. Statistical data of various kinds must be used in teaching political science. The instructor is almost constantly referring to population and other essential data. Yet we ignore the importance of graphic presentation. If charts are important for administrative use in acquainting officials with essential aspects of their own work, why are they not equally valuable in presenting data to students who may have even less interest in acquiring or retaining the information?

No instructor in public administration is unaware of the severe limitations of the organization chart. It has often been pointed out that such a chart tends to show only formal relationships and not to reveal the actual dynamics of organization and administration. Everyday relationships are far more numerous and important than the official channels illustrated in the customary chart. Moreover, in the artist's desire for symmetry, the

usual organization chart gives no indication of relative importance or size of the various parts of an agency. Indeed, organizational essentials may be modified or even warped to achieve a "good looking" chart.

But with all these and other limitations, the organization chart continues to be an indispensable tool. No amount of cataloguing of administrative elements can ever displace an organization chart as a means of communicating essential information. This very fact demonstrates the importance of a visual image in supplementing oral presentation. We do not need fewer organization charts; we need more experimentation in their design and use. The War Production Board made some notable experiments of this kind during the war. One of the most interesting recent efforts at organization charting was the Navy Department publication in 1945 presenting "The Navy Plan for National Security." It contrasted the Navy's proposals with the so-called Army plan. This was graphic presentation with a definite purpose, and if the information conveyed was not only partisan but even misleading, the device was none the less an effective one.

Statistical charts and organizational charts, however, are not the only kind of chart material which can be used for instructional purposes. Pictorial charts are even more useful. These represent the essentials of particular information in simplified picture form. Some of the publications of the Public Affairs Committee have employed the pictorial chart to good advantage. We are all familiar with the current vogue for pictorial statistics. But the pictorial symbols used in chart presentation can be used for other purposes. Drawings may represent relationships, developments, changing circumstances, and qualitative factors in addition to simple quantitative comparisons.

Charts of all kinds were extensively used in our armed forces. Ample facilities for their preparation were readily available, so that no instructor had to rely upon the lecture method alone. Sometimes the life or death of a great many people depended upon the understanding created. For this reason, the chart was used again and again as a means of imparting emphasis and of obtaining the required comprehension of the subject.

Some administrators today are resorting extensively to charts in presenting information to Congressional committees. One outstanding example was the review of the housing situation and the recommendation of a ten-year housing program which John B. Blandford presented to the subcommittee on housing and urban redevelopment of the Senate special committee on postwar economic policy and planning in January, 1945. Many graphic materials in the reports of the National Resources Planning Board and its predecessor agencies are readily adaptable to classroom instruction.

The War Department used graphic methods extensively in analyzing procedures. The number of copies of an individual form and their flow in a particular operation were pictured as one means of exploring possible combination and elimination. The same graphic methods were then employed in presenting the new procedures for the guidance of administrative personnel. The work simplification program likewise made extensive use of graphic methods. These were vital techniques for improving administrative activities. They can, in turn, be used in the classroom for students of public administration.

There are certain definite limitations in the use of charts which we should bear in mind. To be effective, charts must be simple. Many people presenting charts for the first time try to crowd too much information on a single chart. Such a tendency is likely to create visual confusion. Aware as we are of the ramifications of our subject-matter, we are likely to find the need for simplification a severe handicap. Yet that limitation must be observed if charts are to be useful. Another common fault has been to prepare charts which are too small and which cannot be readily seen from the rear of a lecture room. Here again no chart at all is preferable to charts which cannot be seen and readily comprehended.

Some care should be observed also in the manner in which charts are presented. Army instructors were always warned to avoid any distracting influences during a lecture. If avoidable, charts should not be displayed around a room, since the gaze of the hearers may wander from chart to chart while the lecture progresses. Ideal arrangements make it possible to display a single chart at a time and to cover up all charts when they are not immediately relevant to the discussion.

The most severe limitation which the instructor faces in employing charts is the matter of facilities for preparation. In the past, college budgets have simply not provided funds for draftsmen or drafting materials. The eager instructor who would like to make use of graphic materials finds himself stymied. Unless he has technical assistance, his ideas may remain uncommunicable. It seems unlikely that many universities in the near future will be eager to spend much money in organizing central drafting facilities. The individual instructor may occasionally be able to persuade the school of engineers or architects to help him out. And some ingenious or persistent instructors may prepare their own charts, rough and imperfect though they may be.

There is no place at present where the political science teacher can go to obtain prepared charts. The Graphics Institute, 5 East 44th Street, New York 17, N. Y., has issued a catalogue of 260 pictorial charts; but these are for use in text-books and other publications rather than in the classroom.

The American Political Science Association might well experiment with

the preparation of a few basic charts for use in beginning courses on American government. Such charts would surely introduce no more standardization in instruction than is already provided by various text-books. Some organized effort offers more promise for the development of graphic aids than sporadic individual attempts.

The film strip perhaps offers the best means for bringing charts of the desired size into the classroom. Charts reproduced on 35 mm. film can be projected in the classroom, one at a time, with ready shift from one to another. Room darkness is the principal drawback. But film strips might well be prepared with a minimum of expense for the use of political scientists.

Films. For years, the motion picture film has been much talked about as an educational medium. The power of the film to instruct is unquestioned. There is probably no medium of communication available today with greater emotional and even intellectual impact than the sound motion picture. It combines uniquely the visual and the audial impression upon our sensory faculties.

There is already a considerable history of the use of films in our primary and secondary schools. And government agencies have used the film for informational purposes. Thus far, however, our legislatures have not looked with approval upon these latter efforts. The fear of government propaganda is so deep-seated that the film in the hands of administrative agencies is an immediate object of suspicion. None of us has forgotten the furor created by "The Plow That Broke the Plains," released before the 1936 presidential election. During the war, a number of government films were shown in motion picture houses as a part of the program of morale building on the home front. Now that an uneasy peace has settled upon us, the government film program has been greatly curtailed. We have never had in this country the kind of public film production which the British government has undertaken in the past fifteen years.

The Hollywood film studios have done very little to contribute to the educational usefulness of the film medium. The monthly release of "The March of Time" has provided some usable film records. More recently, a rival series entitled "This is America" likewise has produced some fairly objective treatment of important current subjects. Both are commercial enterprises, and the films are not generally available for educational institutions.

Several large corporations have made films, through small commercial producers, which depict important phases of their own work. These are "propaganda" or "good will" films, and can usually be obtained for showing without cost or at only nominal rentals. The instructor at best must spend long hours studying film catalogues, and even in viewing films, before he can find a few suitable for use in the classroom.

Some of our government agencies have employed the film for training purposes. Perhaps the outstanding example before the war was the use of the film for training the census-takers in the 1940 census. This was an excellent illustration of how films could be employed to reach a large number of persons in a short time with the minimum information necessary for the performance of their tasks. The Committee on Public Administration of the Social Science Research Council has published a report on the use of training films, together with a catalogue of available films.¹

There are also today a few small producers of so-called "educational films." One of these is the Encyclopaedia Britannica Films, Inc., which makes films on a wide variety of subjects. Recently it released two films entitled "Democracy" and "Despotism," both of which might well be used in government courses. EBFI has also made a film on "Distributing America's Goods," sponsored by the Twentieth Century Fund, and has produced another one on housing, sponsored by the Commonwealth Fund. Most educational films are intended for primary or secondary schools, or for the general audience. Few, if any, have been made with a college classroom in mind.

Finally, some of our universities have themselves been experimenting with film production. The State University of Iowa recently made a film about its own work, to be used primarily in extension courses. It turned out to be a very helpful public relations document for showing to the state legislature.

Film production, of course, is only part of the business of using films. Equally important is film distribution. Film libraries and other film depositories have grown up on a haphazard basis. Some university libraries have accumulated outstanding collections, but there is ordinarily no systematic arrangement for serving the needs of the entire adjacent area. Thus duplicating facilities have grown up while many commercial films can be obtained only through commercial channels. Most parts of the country are now served by one or more film collections, but much can still be done to rationalize film distribution. In January, 1947, the Library of Congress issued a partial list of film libraries in the United States.

Fortunately, there are some central sources of film information. The H. W. Wilson Company, of New York City, publishes a monthly film catalogue, together with a cumulative annual edition. Part II of this *Educational Film Guide* contains a selected list of outstanding films and a description of the level at which the material can be used. *Educational Screen*, published monthly by Educational Screen, Inc., 64 East Lake Street, Chicago, contains evaluations of new films by a teacher committee;

¹ John E. Devine, *Films as an Aid in Training Public Employees* (1937).

but the members are educators concerned primarily with public school use of films.

War Film Production. The big development in the use of films for training purposes came in the War and Navy Departments during World War II. The importance of the film medium was appreciated from the outset, and millions of dollars were made available for training films. The entire resources of the motion picture industry were readily provided both agencies. In addition, the Army established its own production studio, manned with personnel largely recruited or drafted from the motion picture industry. The outstanding talent of the country was utilized. The result was a tremendous motion picture production program. In a single year, the War Department produced more than a thousand films, with a footage of more than two million feet. If anything, the film medium was used for many subjects which were too technical for effective film presentation. Before the war ended, both departments had come to realize that there were definite limitations to the use of films for instructional purposes, and steps were taken to curtail the output.

Most instructional films produced by the Army and Navy dealt with specialized subjects—the use and care of the M1 rifle, the operation of the amphibious truck, or the detection and removal of land and sea mines. But the film could also be used for more general purposes, to instruct in the customs and traditions of military service, the system of military justice, and the ravages of venereal disease. Probably the films which attracted the most attention were the "Why We Fight" series produced by Colonel Frank Capra. These films were prepared for the orientation program in order to give some information about the background of the war as well as its actual development. These films should have a continuing historical value.

Other films were made for a definite informational purpose. One film was produced and released inside the Army relating to the Negro soldier. Other films were made to give information about our allies. One film originally made to show troops as they were discharged from the Army was of outstanding quality. Entitled "Don't be a Sucker," this film was a warning to the veteran about the divisive forces in American society which might attempt to undo all that had been made possible by our victory. This film was released for commercial showing in 1946. It is one which ought to be very useful to teachers of political science.

The Army and Navy also used extensive footage in recording combat and service operations overseas. Some of this film was produced for instructional purposes and shown to military personnel. Other footage was released to the newsreels, or made into such special features as "The Battle of Midway," "The Real Glory," and "On to Tokyo." Some special productions were shown in war plants. A few films were made for training

civilian employees. The film "Two Down and One To Go" was produced and shown first to the Army and then to the public as a means of explaining the redeployment problem after the defeat of Germany and the system for discharging military personnel from the Army. In 1947, the War Department decided to make most of these films available without cost in both 16 mm. and 35 mm. size. Upon payment of transportation charges, films may be obtained from the signal officer of the six Army Areas in the United States.

The Office of War Information obtained the assistance of the motion picture industry in producing and releasing a number of films for domestic and overseas consumption during the war. The films made for overseas release are of particular value to political scientists; "The Valley of the Tennessee" is an example. The Office of Price Administration also resorted to the film medium in explaining the evils of the black market and the importance of price control.

At the conclusion of World War II, there was a great deal of interest in the disposition of war training and information films. Three things have delayed action. In the first place, much film and accompanying sound tracks were made available to the War and Navy Departments by commercial studios without copyright limitations. It has been a knotty legal problem whether such film copyrighted privately could be disposed of by the government to film depositories. In the second place, the War and Navy Departments have been slow to declare films surplus. There has been some uncertainty about their future training load; and then some commercial interests have brought pressure to bear, since they fear possible competition which would lessen the demand for new educational films. Finally, there has been some confusion and discord within the government about who should be responsible for the custody and disposition of government film. This seems, however, to have been resolved in favor of the Library of Congress.

The Library of Congress Film Program. In July, 1945, the Library of Congress set up a motion picture division to accumulate prints of all government films. In addition, this office was intended to become a clearing house for information about government films. The first hurdle was a budgetary one; appropriations on a fairly adequate scale were finally obtained for the fiscal year 1947. Then in 1946 the Library, on recommendation of the Bureau of the Budget, was given responsibility for distributing government films.

In January, 1947, the Motion Picture Division announced its plans. Surplus government films will be lent to various film depositories throughout the country; for other government film, the Division has been making arrangement for film libraries to obtain prints from laboratories at reasonable cost. The Library of Congress will not distribute films directly to

individuals. In 1947, the Division also began publication of lists of films recently released by government agencies, together with instructions for obtaining them.

John G. Bradley, director of the Motion Picture Division, described the Library of Congress film program at a round table during the Cleveland meeting of the American Political Science Association, and it was recommended by those present that the Association designate persons to review government films as released and report on them in the pages of this REVIEW.

The Use of Films for Instructional Purposes. The instructor who would use films must overcome numerous obstacles. Granted that he learns about available films appropriate to his needs, he must still have the funds available for film rental and have access to screening facilities. Today most films are available only on a rental basis. Funds to defray rental and transportation costs need to be included in department instruction budgets.

While projection equipment is much less costly now than twenty years ago, it still is a sizeable item. Most universities today own 16 mm. and 35 mm. sound projection equipment, and usually have one or two projection rooms. Advocates of educational film-use generally favor motion picture projection in the classroom itself. This emphasizes that the film is an instructional medium. It avoids movement of students back and forth between classroom and projection room. Also, to be most effectively employed, a film should be discussed immediately after it is shown. This means that projection facilities must be available in the classroom. As new classroom buildings are constructed, this need should be kept in mind.

In the long run, successful use of films in political science will depend upon the production of films specifically to meet our needs; and this is an undertaking which the American Political Science Association might well sponsor. The subject of Congress would seem to be "a natural" for film purposes.

Conclusion. We need to understand that the motion picture medium has its own definite techniques. Wartime film-making revealed a constant difference of opinion between the specialist in film techniques and the specialist in the subject-matter treated. When the first dominates film production, accuracy is often sacrificed for presentation effectiveness. When the latter dominates, the resulting film generally makes only partial utilization of the full potentialities of the film medium. There is little advantage in employing a film simply to photograph a classroom lecture. The subject treated must be vivid, real, and appealing. Since the political scientist is above all else interested in subject content, he must insist upon the highest possible degree of accuracy within the limits of our present available knowledge. At the same time, he must appreciate that

the motion picture has its own technique and its own power. Not to obtain the full benefit of the medium is to sacrifice film effectiveness.

I would not suggest that the political scientist lessen his interest in subject-matter. Our first obligation must be that of enlarging the boundaries of our special field of concentration. That effort will in turn be reflected in our teaching, and training aids must not become a crutch for the support of the indifferent or ill-prepared instructor. The first obligation of the teacher is to know his subject, and the second is to prepare adequately for presenting it to his students. But there seems little reason today why in our concern for preparation we should ignore or belittle commonly accepted media for effective presentation. Teachers of political science generally can well afford to make more use of charts and other graphic materials. The motion picture film can be brought into the classroom. Neither displaces the teacher. Both are only what their name suggests—visual *aids*.

Many teachers, as individuals, are already exploring the use of such training aids. Undoubtedly they will continue their efforts, regardless of the assistance or the indifference which they encounter from their colleagues. But the eventual successful exploitation of training aids for political scientists depends upon group action. The political science profession as a whole should take cognizance of this problem and actively explore every means by which all of us might become more effective teachers.

V. THE TEACHER OF GOVERNMENT

ETHAN P. ALLEN

University of Kansas

These are days when the individual who would devote himself to the study and teaching of political science stands upon the threshold of new and exciting adventures and a lot of very hard work. His mind and his enthusiasms must be keyed to the great possibilities for constructive advancement to be found in a period of social transition. There are those among us who insist with great cogency that we should turn back to the achievements of the "wisdom of the ages" and find there the insight and answers to our current perplexities. Incisive as were the achievements of the great minds of the past, as right as were their prescriptions for their own times and difficulties, few among us would defend the proposition that *all* wisdom and *all* understanding reside solely with those who have given us our foundations. Much remains to be uncovered amidst the back-wash of a world-wide revolution. The teacher of political science must balance the wisdom of the past against present possibilities for the greater understanding and clearer insight into political institutions to be found in the quickening imagination of the contemporary scene. We must

cut new paths. We must produce our Einstein. Perhaps we have, and are now ready for our own Manhattan Project. But to do this we must face squarely and honestly at least six major problems in this postwar period: (1) graduate preparation; (2) community leadership; (3) teaching load; (4) research; (5) salaries; and (6) academic freedom.

Diverse are the interests of those who are now preparing to enter the profession at the college or university level. It is increasingly obvious that specialization at the graduate level must recognize the basic and fundamental differences between preparation for positions in public service, research positions, and university teaching. Indeed, in some respects training for "group" research is fundamentally different from that needed for "individual" research. There may be a basic divergence of preparatory needs between those who will teach "general college" courses and those who will teach "upper class" or "graduate" or "specialized" courses. In spite of these obvious and necessary distinctions, a common core of minimum results should be required of all.¹

Not too long ago, most students entering graduate work in political science were seeking to prepare themselves for teaching the subject or for carrying on individual research in the field. During the twenties and thirties, there developed a heavy emphasis upon the doctor's degree, as such, as a minimum requirement for securing a teaching or a research position in political science. In their lighter moments (and with perhaps a touch of ironic truth), many persons have referred to the Ph.D. degree as a "trade union card," thus reflecting a skeptical and perhaps cynical attitude toward the degree's value. In all honesty, it must be stated that too much graduate training consists of satisfying requirements covering hours, grades, qualifying examinations, languages, dissertations, and final orals rather than a whole-hearted, dispassionate, and objective search for factual and ethical truth. One does not become either a great teacher or a creative research scholar by following form rather than substance—witness the great names of political science from the earliest days to the present. Graduate preparation must, then, place as its primary goal the unfettering of imagination and the development of a whole-hearted drive to discover new, and perhaps unknown, techniques applicable to the study of our political institutions. This task in itself is sufficiently great to consume the time and energy of even the best of our neophytes as well as of our wiser and more mature colleagues. Nevertheless, it is but one aspect of preparation for teaching and does not by any means complete the charge placed upon one who would place his talents at the command of truth.

The teacher of political science not only presides in the classroom (on

¹ While this problem is treated more fully elsewhere in this report, a word concerning the need for a frank recognition of this diversity of interest and for a balancing of our graduate programs to meet the need would seem in order.

his ivory-towered campus) as the high priest of truth, factually considered, but he must inevitably assume the rôle of moral and ethical judge. That he express his considered judgment as to the value of his factual material, and that he possess the moral courage essential to an impassioned defense of his convictions, if necessary, is a basic *desideratum* too often ignored. In a very real sense, the teacher of political science must assume the position of a protagonist for the democratic philosophy without which his search for truth would be virtually impossible. Somewhere in his preparation, this sharpening of the moral conscience and this quickening of the sense of man's innate humanity must be secured. Perhaps this is the point where the wisdom of ages and a new and vigorous interpretation of political philosophy meet their greatest test and offer their greatest challenge.²

The call on the time and energy of a teacher of political science is far from exhausted with this sound, objective, and continuous training in factual subject-matter together with the development of a critical social conscience. Not only must the political scientist be a scholar; he must be a socially and politically responsible man as well. He is responsible both as a teacher and as a citizen for active participation in the political life not only within academic halls but in his community—the source from which he draws his sustenance and to which he owes his allegiance. He must therefore take an active and vital part in the practical political life of mankind. He must possess the moral courage necessary to go into the "market place" of the world and deal effectively with the day-by-day requirements of practical political activity. This, of course, is a truism applicable to all university teachers. But there are obvious reasons why the political scientist must be particularly conscious of this responsibility if he is to be a vital force in our democracy.

He should be free, as far as university administrations are concerned, to serve on city commissions, in city councils, in state legislatures, in state administrative posts, and in various federal capacities, without losing either his academic tenure or his academic freedom. It would therefore seem wise to urge that the "leave of absence" and the practice of "sabbatical leave" be more frequently and generously utilized by university administrations in order that the talent possessed by their social scientists may be placed at the disposal of our political institutions, to the end that better government may be achieved. Too often the teacher of political science withholds himself from this desirable activity for fear of administrative displeasure or because of the necessity of resigning his academic position. In this respect, the teacher of political science stands in a quite

² What is here said applies with equal force to that continuous preparation essential to successful individual growth by those who have secured their doctorates and are teaching or conducting research or practicing political science. Indeed, it is so intended.

different category from other professional men. The lawyer may reënter the practice of law after a period of public service without too many misgivings regarding his financial future. So may the engineer, the business man, or the farmer. The political scientist, however, finds himself, largely because of the nature of his subject-matter and his professional training, in a much more dependent financial position than persons in the groups mentioned. His academic value can best be enhanced through a more generous "leave of absence" and "sabbatical leave" policy.

This suggestion is urged not solely in the interest of the teacher, but also and particularly in that of the returns which such experience brings to the classroom and to the community at large. One who is able to participate actively and immediately in the formation and execution of public policy through governmental institutions and processes returns to the campus a wiser and more realistic student and teacher of political science. This increase in stature reflects itself in better teaching, and thus serves the community by returning to it a wiser and more mature body of young citizens. Practical governmental and political experience not only results in an enrichment of the curricular offerings, but also opens unexplored avenues of research in political science.

In spite of the wartime experience of administrations and professors in granting and accepting leaves of absence, this point needs emphasis for the long-run pull. Necessity sometimes creates virtues. While universities were generous in loaning staff in all fields, budgetary considerations were not lacking in the decisions. Present enrollments and long-range prospects of teaching loads point up, in sharp fashion, the problems involved in continuing a sound and liberal policy of granting leaves of absence. Shortages of teaching personnel will not make the solution an easy one. But the policy is essential to the continuous growth required of a vital department of political science.

Not only must the teacher of political science preside with impassioned impartiality over his classes and renew his wisdom in the fire of practical political and administrative experience, but he must also be willing, and in its best sense anxious, to assume a position of leadership in the manifold formal and informal opportunities available in any community. His moral and factual integrity must be so certain that his fellow-citizens will automatically turn to him for aid in clarifying political problems and for advice on charting possible courses of action. Such a charge places grave responsibilities upon, as well as opens vast opportunities to, the political scientist. He must be able to speak to the Wednesday Afternoon Ladies' Club with the same seriousness of purpose that he devotes to his duties as chairman of the community planning commission. Both must be as important to him *and to his academic superiors* as is his effectiveness in the classroom or as is the cogency of his research publications. The time and energy devoted to such activities must not be considered, either by him-

self or by the administration, as extra-curricular activities expected of the political scientist but not to be considered as a part of a man's load. Such activities are as significant to the institution as are the hours spent by the physical and natural scientists in their expensive laboratories. The laboratory of the political scientist stands ready at hand, and its use should be encouraged, not penalized or "frowned upon," by university administrators.

In too many institutions, the academic load is measured by the number of clock hours spent in the classroom or by that device known as the "pupil hour" load. Either device, taken by itself as sole determinant of the load, is misleading and can become a vicious instrument of frustration. I have attempted to indicate the enormous and legitimate demand upon the time, energy, and talents of the teacher of political science. All of these activities should be considered as the proper load of a department of political science. Very few individuals can be called upon to carry the full load of social and institutional responsibilities outlined. Perhaps no single individual should be called upon to carry all of these desirable activities. A department of political science, however, should be expected to encompass such a program.

Promotion policies should take into consideration the traditional factors of teaching effectiveness, research programs, and finished publications. They should also consider active leadership in community affairs and practical political wisdom and performance. If astuteness in campus politics is to find reward in budgetary considerations, why should not political astuteness in a wider and more socially useful area find at least equal rewards?

Obviously, promotional policies should not require of a single individual that he be a modern Plato in order to achieve the dizzy heights of a full professorship. Each person's advancement should depend solely upon his contribution to the total program demanded of political science. Each activity must be recognized for its own and its equal value. The creative research scholar should be advanced in recognition of his contribution (research), even though his teaching effectiveness admittedly may be less than that of a colleague, and *vice versa*. Budgetary officers and university administrators must recognize these factors as of equal significance. The practice, all too prevalent, of conceding a man's contributions to his state in terms of leadership, but deploring his lack of research publications (thus rationalizing their inability to provide financial or professorial advancement) must not be allowed to continue. Good men rapidly become ineffective under such a system of paternalistic double-talk.

The haven of research is an essential ingredient in producing a strong and vigorous department of political science. There is something about the inquisitive research mind which stimulates graduate students and extends its influence, in subtle ways, throughout the department. Re-

search—the extension of man's knowledge of his political life—not the compilation of bibliographical listings of "one's publications," is the element needed. Encouragement in terms of lighter teaching loads, full and adequate library and laboratory facilities, and genuine assistance must be provided that rare colleague who really wants to contribute and can contribute to the "sum total of human knowledge." These contributions must be made available not only to fellow-specialists but to the intelligent layman as well. Knowledge for its own sake can be a very sterile thing. But knowledge put to work can be a very exciting adventure, both for the research scholar and for his fellow-citizens. Universities would do well, therefore, to continue and expand their support of university presses, bureaus of government research, bureaus of public administration, and the like. For through such channels, new knowledge is put to work.

Even at the risk of being repetitious, it must be emphasized that we are here dealing with research and the application of its products to specific social situations and political institutions and practices. We are not dealing with text-book writing or the all too prevalent practice of producing "pot boilers" so as to be able to present the dean with a list of publications. A man's value to a university should depend upon his contributions to the total educational process and not solely upon his editorial connections.

A well-balanced department can carry the load required of it and can provide the *esprit de corps* essential to effective leadership only if the institutional policies clearly recognize the group nature of the total job and provide for advancement on the contribution of each individual to the total job. The fetishes of publication lists, enrollment figures, or faculty or student gossip must give way to more realistic standards. Many and diverse are the proper functions of a vigorous department of political science. They must be paid for.

The discovery of a genuine and lasting pleasure in those intangible satisfactions known only to the true academician has long been properly praised as the correct attitude toward one's salary. The compensating factors of an academic life have drawn, and still draw, many to the scholarly pursuit of truth. Even our rationalizations are pleasant! But rationalization may lead to a dangerous complacency. Too often these intangible satisfactions have dominated budgetary considerations. It is, in some circles, fashionable today to urge salary increases on the basis of increased costs of living. Such a position, however, has its disadvantages. The sword cuts in both directions. Salary adjustments now made on a cost of living basis do not solve the basic problem of inadequate salaries.

Generally speaking, and with very few exceptions, university salaries today are not sufficiently appealing to attract and hold good talent in competition with either business or government. True, our economy may

be deflated. True, the supply of prospective teachers and research scholars may catch up with the existing demand. True, professional skills and talents may be looked upon as economic goods offered in a free market, to be bargained for by competing institutions. But such a situation does not draw the best minds toward teaching and research. This seems true simply because universities and colleges cannot match the funds available to business and government. But the existing gap between the academic salary schedule and the salaries available elsewhere can be more nearly closed. It *must* be more nearly closed. Unless general, generous, and permanent salary increases become a vital and significant part of permanent policies in our institutions of higher learning, future academic growth is seriously threatened. Too many men have already been lost to the academic world to allow the writing on the wall to go unheeded. The profession must be made attractive enough, in comparison with salaries paid by business and government, to allow the intangible wages of a scholar to tip the balance. Enough should be asked to secure genuinely interested individuals. But certainly too much has been asked too often in the past. Services rendered should be paid for no less in the case of university professors than in the case of any other profession. This is not the place to labor the point. Professor Slichter has made the point crystal clear in the winter number of the *Bulletin* of the American Association of University Professors.

This report has emphasized freedom for the political scientist: freedom in preparation to meet the needs of an increasingly varied profession; freedom to serve in responsible public positions; freedom to become leaders in the community; and freedom to meet salary competition on the part of non-academic institutions. Lastly, a word on academic freedom itself.

Without attempting to develop here a formal definition of academic freedom, it seems obvious that such freedom entails risks, both for the individual and for the institution. But does not all freedom entail risk? This is true in endowed institutions where boards of trustees may be excessively zealous in desiring to protect the *status quo* against scientific scrutiny and at state-supported schools where boards of education may be too sensitive to the pressures inevitably present. Here the scholarly integrity of the soundly trained political scientist stands him in good stead. It goes almost without saying that the sense of personal and institutional responsibility must be a vital reality, not only in the thoughts, but also in the actions, of the political scientist. Such responsibility is a measure of a man's intellectual and emotional maturity.

In a sense, our responsibilities are greater in the many "off campus" activities engaged in by our profession. Here we deal, not with young and immature minds, nor with immediately ineffective (politically considered) individuals. As a vigorous community leader, the political scientist is in a

position to affect the daily lives of his neighbors, to aid in directing social pressures at work, to move his fellowmen toward greater achievements. In our laboratories, we work with materials far more explosive than those of the atomic physicist. We deal not with inert materials subject to our control, but with living factors of tremendous force and with the lives and hopes of our fellow-citizens. Indeed a sobering thought! One that can only develop a deep sense of ethical and social responsibility.

The liberty essential to intellectual growth, to effective and honest teaching, and to effective participation in the political life of the nation has its price—a price which must be paid. But the price is not security at the cost of honesty and intellectual and moral courage. University administrations must expect social truth to be at times as unpopular as have been the truths of biology in the not too distant past. Academic freedom does not mean license. Neither does it mean stultifying fear of reprisals. It applies to administrators as well as to teachers.

These remarks underscore the difficulty of the problem of granting academic freedom in a democratic society, and in tax-supported institutions in particular. Possibly the most dangerous shoals in the present social seas are those latent in all societies which can, and too often do, drown the voice of reason and truth. But democracy itself cannot survive unless responsible freedom lives not only in the classroom and for the academician, but also in the world of mundane affairs and for the layman.

Too often the fight for academic freedom has been a struggle between professor and administrator, sometimes in the open, sometimes subtle and therefore vicious. The truly great institutions of learning are those which stand, as institutions, for the free pursuit of truth. Administrators and professors are in the same boat. They work as a team or they go down together. Academic freedom is a reality only where both professors and administrators believe in it, and where a large measure of mutual trust exists.

In periods of social transition like the one in which we live, freedom indeed suffers the "slings and arrows of outrageous fortune." Having won the physical victory over the philosophy of brute and amoral force, it is now essential that we achieve the still greater victory of championing freedom as a social and political reality. The political scientist stands on the firing line; he deserves and should have the complete and wholehearted support of his administrative superiors. Should freedom languish in the hearts of men, democracy dies. With its death, the educational institution loses its essential character as a center of intellectual growth and defender of our heritage of the unfettered intellect. Either we are free men in free institutions or we fall short of the real meaning and trust of our heritage. Any other path means the subordination of truth to the end of expediency. This is the complete negation of our Hebraic-Hellenistic-Christian tradition.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Committees of the American Political Science Association for the Year 1947. The members of Association committees are appointed in most cases by the President for one-year terms, continuity being secured by a due proportion of reappointments.

Committee on American Legislatures: Jack F. Isakoff (Illinois Legislative Council), *chairman*; Donald Axelrod (Temporary Commission on Coordination of State Activities, Albany, N. Y.); G. Lowell Field (Wayne University); George B. Galloway (Library of Congress); W. Brooke Graves (Library of Congress); Frederick H. Guild (Kansas Legislative Council); Arthur N. Holcombe (Harvard University); John A. Perkins (University of Michigan); Orba F. Traylor (University of Denver); Belle Zeller (Brooklyn College).

Committee on Awards (to be announced annually, first at the 1947 annual meeting): Robert D. Leigh (Social Science Research Council, Public Library Inquiry), *general chairman*. Panel for the award by the Woodrow Wilson Foundation for the best publication each year in the field of *Government and Democracy*: Francis W. Coker (Yale University), *chairman*; Paul H. Appleby (Syracuse University); Pendleton Herring (Carnegie Corporation of New York); Carl B. Swisher (Johns Hopkins University); David B. Truman (Harvard University). Panel for the award by the Willkie Memorial Building for the best publication each year in the field of *International Relations*: Payson S. Wild, Jr. (Harvard University), *chairman*; Ralph J. Bunche (United Nations, Lake Success, N. Y.); William T. R. Fox (Yale University); George B. Noble (Department of State); George E. Taylor (University of Washington). Panel for the award by the Franklin D. Roosevelt Memorial Association for the best publication each year in the field of *Government and Human Welfare*: Charles E. Merriam (University of Chicago), *chairman*; James L. McCamy (University of Wisconsin); Charles McKinley (Reed College); Charles C. Rohlfing (University of Pennsylvania); Sterling D. Spero (New York University).

Committee on the Directory (currently engaged in preparing for a second edition): Kenneth Colegrove (Northwestern University), *chairman*; Franklin L. Burdette (University of Maryland), *editor*; William Anderson (University of Minnesota); John E. Briggs (State University of Iowa); Robert E. Cushman (Cornell University); Arthur W. Macmahon (Colum-

bia University); Frederic A. Ogg (University of Wisconsin); Harvey Walker (Ohio State University).

Committee on Endowment: William Anderson (University of Minnesota), *chairman*; Charles A. Beard (New Milford, Conn.); Joseph P. Chamberlain (Columbia University); Kenneth Colegrove (Northwestern University); Frederick M. Davenport (National Institute of Public Affairs); Walter F. Dodd (Chicago, Ill.); John M. Gaus (University of Wisconsin); Charles G. Haines (University of California at Los Angeles); Arthur N. Holcombe (Harvard University); Isidor Loeb (Washington University); Charles E. Merriam (University of Chicago); William B. Munro (California Institute of Technology); Frederic A. Ogg (University of Wisconsin); Lindsay Rogers (Columbia University).

Committee on Improvement of Teaching (this committee, among other responsibilities, picks up phases of the work of the former committees on undergraduate instruction and on social studies): Marshall E. Dimock (Northwestern University), *chairman*; Ethan P. Allen (University of Kansas); Asher N. Christensen (University of Minnesota); Harold M. Dorr (University of Michigan); James W. Fesler (University of North Carolina); Marian D. Irish (Florida State College for Women); Jack T. Johnson (State University of Iowa); John W. Manning (American University); Ruth G. Weintraub (Hunter College); Howard White (Miami University); Francis O. Wilcox (Library of Congress); Benjamin F. Wright (Harvard University).

Committee on International Cultural Relations: Pitman B. Potter (American University), *chairman*; Clarence A. Berdahl (University of Illinois); P. E. Corbett (Yale University); Clyde Eagleton (New York University); Malbone W. Graham (University of California at Los Angeles); Grayson Kirk (Columbia University); John Brown Mason (Oberlin College); Walter R. Sharp (College of the City of New York); Quincy Wright (University of Chicago).

Committee on Judicial Organization and Administration: Arthur T. Vanderbilt (New York University Law School), *chairman*; Francis R. Aumann (Ohio State University), *vice-chairman*; James Patterson Alexander (Supreme Court of Texas; National Conference of Judicial Councils); Edwin Borchard (Yale University); A. B. Butts (Fort Monroe, Va.); Henry P. Chandler (Administrative Office of the United States Courts); John Dickinson (Philadelphia, Pa.); Walter F. Dodd (Chicago, Ill.); Charles Fairman (Stanford University); Oliver P. Field (Indiana University); Laurance M. Hyde (Supreme Court of Missouri); Earl Latham (University of Minnesota); Bolitha J. Laws (United States District Court for the District of Columbia); Dayton McKean (Dartmouth

College); Rodney L. Mott (Colgate University); John J. Parker (United States Circuit Court of Appeals); C. Herman Pritchett (University of Chicago); George Rossman (Supreme Court of Oregon); Edson R. Sunderland (University of Michigan Law School); Ralph R. Temple (Harrisburg, Pa.).

Provisional Panel on the Creation of a Committee on Government and Labor-Management Relations: Phillips Bradley (University of Illinois), *chairman*.

Committee on Latin American Affairs: Russell H. Fitzgibbon (University of California at Los Angeles), *chairman*; Willard F. Barber (Department of State); Asher N. Christensen (University of Minnesota); William Ebenstein (Princeton University); William S. Stokes (University of Wisconsin); Graham H. Stuart (Stanford University); Arthur P. Whitaker (University of Pennsylvania).

Committee on a Library of Political Thought: John D. Lewis (Oberlin College), *chairman*; Francis W. Coker (Yale University); Peter Odegard (Reed College); J. Roland Pennock (Swarthmore College); C. B. Robson (University of North Carolina); René de V. Williamson (University of Tennessee); Francis G. Wilson (University of Illinois); Benjamin F. Wright (Harvard University). (A merger in this committee of the work of the former panel on European texts is under consideration.)

Committee on Local Arrangements for 1947 Annual Meeting: John W. Manning (American University), *chairman*; Ralph J. Bunche (United Nations, Lake Success, N. Y.); Franklin L. Burdette (University of Maryland); Paul M. A. Linebarger (School for Advanced International Studies); Lewis Meriam (Brookings Institution); Wilfrid Parsons, S. J. (Catholic University); Don K. Price (Public Administration Clearing House); Karl Stromsen (National Institute of Public Affairs); W. Reed West (George Washington University); Francis O. Wilcox (Library of Congress); Gerard F. Yates, S.J. (Georgetown University).

Provisional Panel on the Desirability of a Permanent Committee or Other Action Regarding the Machinery of Government: William Y. Elliott (Harvard University), *chairman*.

Committee on Nomination of Officers for 1948: Harold Zink (DePauw University), *chairman*; Charles Aikin (University of California); Denna F. Fleming (Vanderbilt University); John M. Gaus (University of Wisconsin); Alpheus T. Mason (Princeton University).

Committee on Political Parties: Elmer E. Schattschneider (Wesleyan University), *chairman*; Thomas S. Barclay (Stanford University); Clarence A. Berdahl (University of Illinois); Hugh A. Bone (Queens College);

Franklin L. Burdette (University of Maryland); Harwood L. Childs (Princeton University); Paul T. David (Department of State); Thomas C. Donnelly (University of New Mexico); Merle Fainsod (Harvard University); Bertram M. Gross (Council of Economic Advisers); V. O. Key (Johns Hopkins University); E. M. Kirkpatrick (University of Minnesota); John W. Lederle (University of Michigan); Fritz Morstein Marx (Bureau of the Budget); Peter Odegard (Reed College); Howard Penniman (Yale University); Kirk H. Porter (State University of Iowa); J. B. Shannon (University of Kentucky); T. V. Smith (University of Chicago).

Advisory Panel on Methods of Encouraging Political Participation (because of the nature of the proposal that was the immediate cause of its establishment, this pilot panel is largely confined to the New York metropolitan area and vicinity): Hugh A. Bone (Queens College), *chairman*; John E. Bebout (National Municipal League); William S. Carpenter (Princeton University); Lawrence H. Chamberlain (Columbia University); Frances P. De Lancey (Vassar College); W. Leon Godshall (Lehigh University); John J. George (Rutgers University); Madge M. McKinney (Hunter College); Howard Penniman (Yale University); Norman J. Powell (College of the City of New York); William J. Ronan (New York University); Elmer E. Schattschneider (Wesleyan University); Howard White (Miami University); Belle Zeller (Brooklyn College).

Committee on Program, 1947 Annual Meeting: Hugh L. Elsbree (Library of Congress), *chairman*; Phillips Bradley (University of Illinois); J. Alton Burdine (University of Texas); Merle Fainsod (Harvard University); Patterson H. French (Bureau of the Budget); Harold F. Gosnell (Department of State); George A. Graham (Princeton University); Halford L. Hoskins (School of Advanced International Studies); Harvey C. Mansfield (Office of Temporary Controls); Peter H. Odegard (Reed College); Merlo J. Pusey (*Washington Post*); Robert S. Rankin (Duke University); Walter E. Sandelius (University of Kansas); Frederick M. Watkins (McGill University).

Committee on the Publication of Election Statistics: W. Reed West (George Washington University), *chairman*; Thomas S. Barclay (Stanford University); Harold F. Gosnell (Department of State); James K. Pollock (University of Michigan); Alden L. Powell (Louisiana State University); Elmer E. Schattschneider (Wesleyan University); Catheryn Seckler-Hudson (American University).

Representative in Connection with Department of State Publications: Royden J. Dangerfield (University of Oklahoma).

Committee on Regional and Functional Societies: John E. Briggs (State University of Iowa), *chairman*; R. Jean Brownlee (Philadelphia, Pa.); Thomas C. Cook (University of Washington); G. Homer Durham (University of Utah); Robert J. Harris (Louisiana State University); Matthew C. Mitchell (Brown University); Joseph C. Pray (University of Oklahoma); Pitman B. Potter (American Society of International Law); Leonard D. White (American Society for Public Administration); Francis O. Wilcox (Library of Congress); Harold Zink (DePauw University).

Committee on Research: Taylor Cole (Duke University), *chairman*; William Anderson (University of Minnesota); Arnold Brecht (Graduate Faculty, New School for Social Research); J. Alton Burdine (University of Texas); Charles Fairman (Stanford University); Carl Friedrich (Harvard University); Ernest S. Griffith (Library of Congress); Charles S. Hyneman (Northwestern University); William P. Maddox (Department of State); Charles E. Merriam (University of Chicago); Dorothy Schaffter (Library of Congress); Harold W. Stoke (University of New Hampshire); Carl B. Swisher (Johns Hopkins University); Francis G. Wilson (University of Illinois).

Trust Committee: President of the Association, ex-officio, *chairman*; Secretary-Treasurer of the Association, ex officio; William Anderson (University of Minnesota); John M. Gaus (University of Wisconsin); Edwin O. Griffenhagen (Chicago, Ill.); John Day Larkin (Illinois Institute of Technology); Leonard D. White (University of Chicago).

Memorial Awards in Political Science. President Arthur W. Macmahon of the American Political Science Association has announced the creation of a new Association Committee on Awards, to be charged with supervising the competition for three awards for publications in the field of political science. The new Committee on Awards is in line with the recommendation presented by Ernest Griffith, chairman of the Association's Research Committee and approved by the Association at its forty-second annual meeting in Cleveland last December.

Robert D. Leigh, now on the staff of the Social Science Research Council, as director of its Public Library Inquiry, has been appointed general chairman of the Committee. Chairman of the panel to make the memorial award by the Woodrow Wilson Foundation for the outstanding publication of the year dealing with *government and democracy* is Professor Francis W. Coker of Yale University, New Haven, Conn. Chairman of the panel to make the memorial award by the Willkie Memorial Building for the outstanding publication of the year in the field of *international relations* is Dean Payson S. Wild, Jr., Graduate School of Arts and Sciences, Harvard University, Cambridge, Mass. Chairman of the panel to

make the Franklin D. Roosevelt Memorial Foundation award for the outstanding publication of the year on *government and human welfare* is Professor Charles E. Merriam, University of Chicago, Chicago, Ill.

Authors wishing to submit a publication for any one of the three awards should send six copies to the chairman of the appropriate panel.

The other members of the Committee on Awards are:

Panel on Government and Democracy

Dean Paul H. Appleby, Syracuse University
Dr. Pendleton Herring, Carnegie Corporation of New York
Professor Carl B. Swisher, Johns Hopkins University
Assistant Professor David B. Truman, Harvard University

Panel on International Relations

Dr. Ralph J. Bunche, United Nations, Lake Success, N. Y.
Professor William T. R. Fox, Yale University
Dr. G. Bernard Noble, Department of State, Washington, D. C.
Professor George Taylor, University of Washington

Panel on Government and Human Welfare

Professor James L. McCamy, University of Wisconsin
Professor Charles McKinley, Reed College
Professor Charles C. Rohlfsing, University of Pennsylvania
Professor Sterling Spero, New York University

The Committee has adopted the following regulations for its guidance and for the information of those who wish to have publications considered for the awards:

I. SUBMISSION OF PUBLICATIONS

1. Any author who is a citizen or resident of the United States, or his publisher, may submit a publication for consideration by the appropriate panel.
2. Any member of the Committee, or of the American Political Science Association, may submit a publication by another author for consideration by any of the panels.
3. A member may not, during the period of his committee membership, be a contestant for any of the awards.
4. Only works published during the twelve-month period preceding October 1, the closing date for entries for each year's awards, shall be eligible for consideration. For the first awards (1946-47), however, works published during the period February, 1946-September 30, 1947, will be considered. Publications shall be in the hands of the Committee not later than October 1, to be eligible for that year's awards.
5. Publications shall be submitted in the form of printed books, articles, or monographs. The Committee may make exception in the case of researches of particular merit which have appeared in some other duplicated form.
6. Six copies of each publication shall be submitted to the chairman of the panel for which it is entered in competition for an award.
7. In general, a publication shall be considered by one panel only. If in any year more than one panel favors the same publication, the general chairman and the chairmen of the two or three panels involved shall decide upon the nature of the award to be made.

II. SELECTION OF WINNING PUBLICATIONS

1. Final decision regarding the publication to be given the award in each of the three fields shall be made by the members of the Committee constituting the panel dealing with that field.
2. A majority of votes of the panel members shall determine the winning publication. If the vote in any one panel is by bare majority, i.e., 3 to 2, the general chairman of the Committee shall cast his vote with the panel. If the combined vote results finally in a tie, no award shall be made.
3. A panel may, in its discretion, decide that no publication worthy of an award has been submitted, and make no award for the year.
4. The basis for making each of the three awards shall be the quality of research, intellectual penetration, and judgment revealed. The primary purpose of the awards is to give recognition to work which advances knowledge through the methods of political science in the fields of (a) government and democracy, (b) international relations, (c) government and human welfare. Although there will be no independent criterion of literary excellence, it is presumed that no publication with a quality of content deserving an award will lack reasonable clarity and conciseness of expression.
5. The Committee shall make a public announcement in January or February of each year inviting authors to submit publications for consideration by one of the panels of the Committee.

III. PRESENTATION OF AWARDS

1. The winner of each of the three awards shall be presented with a scroll at the annual meeting of the American Political Science Association.

IV. COMMITTEE ORGANIZATION

1. The Committee on Awards shall consist of a general chairman and three panels of five or more members each.
2. The general chairman, to be appointed each year by the president of the American Political Science Association, shall not be a member of any of the panels composing the Committee.
3. The chairman and members for each of the three panels shall be appointed each year by the president of the American Political Science Association, on the basis of nominations made by the Foundation offering the award with which the panel deals.
4. The persons chosen to serve on these panels shall be selected on the basis of their special scholarly work in the field with which the panel deals.

Dr. Donald Young, executive director of the Social Science Research Council since 1945, has been appointed general director of the Russell Sage Foundation succeeding Mr. Shelby Harrison, who retires on June 30 after thirty-five years on the staff of the Foundation.

Professor Taylor Cole, of Duke University, has been awarded a Guggenheim fellowship for a study of the effects of wartime social, economic, and political changes on the civil service of Canada.

Following the resignation of Professor John H. Williams as dean of the Harvard Graduate School of Public Administration, Professor Edward

S. Mason has been appointed to the post. During the conference of foreign ministers at Moscow in March-April, Professor Mason served as chief economic adviser to Secretary George C. Marshall.

Professor John M. Gaus, of the University of Wisconsin, has accepted a professorship at Harvard University, and Professor H. Gordon Skilling an assistant professorship at Dartmouth College.

At the University of Oregon, Professor Eldon L. Johnson, head of the political science department, has become dean of the college of liberal arts and of the graduate school. Dr. Johnson went to Oregon in 1945 from Washington, D. C., where he was director of the graduate school of the U. S. Department of Agriculture.

Professor Lloyd M. Short, of the University of Minnesota, has been appointed chairman of the Advisory Committee on Social Science Personnel of the U. S. Civil Service Commission, and is also serving as a member of the Land Grant College Association's committee on training for government service.

Professor Harold S. Quigley, of the University of Minnesota, has returned after nine months' service as chief of the Research Division of the Intelligence Section of General MacArthur's staff in Tokyo, and is working on a volume on the new government of Japan. He expects to take up his duties in the department of political science in the fall.

Former Senator Robert M. LaFollette, Jr., who recently received Collier's \$10,000 award for distinguished legislative service in 1946, has turned over the sum to the University of Wisconsin to be used in establishing a graduate scholarship for the study of problems of governmental reorganization.

Professor Charles E. Merriam delivered, during the spring quarter, a series of six lectures on the general subject of "Physics and Politics" as a special feature of his regular course at the University of Chicago on American political theory. Mr. Louis Brownlow also gave a series of six lectures on "The President and the Presidency."

The University of Chicago announces the appointment of Dr. Robert Horn, of Harvard University, as assistant professor to develop work in the field of public law.

At Princeton University, Professor Alpheus T. Mason has been promoted to the endowed chair of McCormick Professor of Jurisprudence, long occupied by Professor Edward S. Corwin.

At Iowa State College, Dr. John R. Mashek has been advanced to the rank of full professor.

After four years of government service, Dr. Henry W. Ehrmann, of the Civil Affairs Division, U. S. War Department, has been appointed to an associate professorship at the University of Colorado.

Professor Hollis W. Barber has resigned his position at Tulane University to accept an associate professorship in the Chicago Undergraduate Division of the University of Illinois. During the coming summer, he will be teaching at Urbana.

At Cornell University, Dr. Mario Einaudi has been promoted to a full professorship, and Dr. Clinton L. Rossiter III to an assistant professorship.

Dr. W. Leon Godshall has been promoted to a full professorship at Lehigh University. One year ago he was appointed chairman of the department of international relations, then newly created.

At Northwestern University, Professor Marshall E. Dimock has been given a year's leave of absence commencing in September, 1947. He and Mrs. Dimock plan to live on their farm in Bethel, Vermont, where they will be engaged in research and writing.

Professor Donald B. Leiffer, of Boston University, will teach at the University of California at Los Angeles during the first summer session of 1947, and Professors Howard White, of Miami University, and John A. Vieg, of Pomona College, during the second session.

During the first term of the 1947 summer session at Connecticut College, Professor Hugh A. Bone, of Queens College, will offer a course on American government and another on pressure groups in the United States.

Two graduate courses, dealing with dynamics of American government and the President and Congress, will be offered in the coming summer session of Teachers College, Columbia University, by Professor Wilfred E. Binkley, of Ohio Northern University.

Professor Edwin A. Cottrell, who is retiring this year at Stanford University, has been appointed a trustee and consultant in local and metropolitan government of the John Randolph Haynes and Dora Haynes Foundation of Los Angeles. He will continue as a trustee of the Coro Foundation of San Francisco and act as educational adviser for the internship training of veterans in the city and county government of San Francisco.

Mr. Herbert Emmerich, of the Public Administration Clearing House, Chicago, will attend the summer meeting of the Institute of Public Administration in Great Britain and also the international congresses to be

held by the International Management Institute, the International Institute of Local Authorities, and the International Institute of the Administrative Sciences, as well as the International Exposition of Urbanism and Housing at Paris.

Professor Herbert W. Briggs, of Cornell University, has returned from Turkey, where during April he delivered a series of lectures on "The Progressive Development of International Law" as guest of the Turkish Institute of International Law. Professor Briggs lectured at the Universities of Istanbul and Ankara and at the Turkish General Staff War Academy. The lectures will be published in Turkish and English versions in *Publications of the Turkish Institute of International Law*, Istanbul.

At the Illinois Institute of Technology, the following staff changes have been made in the department of political science: Herbert A. Simon, who has been chairman since September, 1946, has been promoted to the rank of professor and made director of the curriculum in public administration; Donald W. Smithburg has been promoted from instructor to assistant professor; and Victor Thompson, of the University of Texas, has been appointed assistant professor.

Dr. James P. Richardson, Parker professor of law and political science at Dartmouth College, died in Hanover, N. H., on March 24 at the age of sixty-eight. Because of illness, he had been on leave since 1944. In 1925 and 1927, he served as a member of the New Hampshire legislature, in 1928 and 1940 as a delegate to the Republican national convention, and at various times he was a member of investigating commissions, e.g., on taxation and on criminal laws, in his state.

At the University of Texas, Dr. Norton E. Long served as visiting professor of government during the second semester of the current year; and Professors Howard A. Calkins, H. Malcolm Macdonald, and Edward G. Lewis have been promoted to the rank of associate professor. Professor Calkins has also been appointed registration supervisor.

The inauguration of Dr. Raymond B. Allen as president of the University of Washington on May 24 was preceded by a series of conferences on labor relations, atomic energy, and the humanities. Professors Charles E. Martin and Kenneth C. Cole were active in formulating the program—Professor Martin as chairman of the general faculty committee and Professor Cole as chairman of the labor relations committee. Professor Martin presented a paper at the I.P.R. Conference at Coronado, California, on April 11.

At Princeton University, Dr. Kenneth W. Hechler, of the U.S. Bureau of the Budget, and Dr. Hubert H. Wilson, of the University of Wisconsin,

have been appointed assistant professors, and Dr. Edgar S. Furniss, of Yale University, and Mr. John S. Reshetar, of Harvard University, have received appointment as instructors.

Dr. Morton M. Grodzins, who has been on the staff of the College of the University of Chicago, has accepted a joint appointment permitting him to give the major part of his time to graduate instruction in political science at the University.

At Ripon College, a separate department of political science has lately been established, with Professor Ludwig A. Freund, associated with the institution since 1937, as chairman. Since the step was taken, however, Dr. Freund has accepted a professorship in Roosevelt College, Chicago.

Dr. Mulford Q. Sibley, of the University of Illinois, will teach "American Political Thought" and "Problems of Democracy" during the first term of the summer session at the University of Minnesota.

Professor Werner Levi, of the University of Minnesota, will go to Australia this summer to carry on research and to give a series of lectures in the political science department of Melbourne University.

Dr. Dale Pontius is acting as consultant to the executive branch committee of the Louisiana Revision Project. Committees set up by the Louisiana Law Institute have been authorized by the legislature to prepare a draft of a new state constitution by March, 1948.

Professor Claude E. Hawley, of the University of Southern California, has been appointed assistant to Mayor Fletcher Bowron of Los Angeles.

Dr. Samuel O. Lane has resigned his position in the Department of State and has joined the faculty of the School of Public Administration, University of Southern California, as an assistant professor.

At the University of Tennessee, Mr. T. W. Goodman has been appointed instructor in political science and Miss Doris Schostal research associate in the Bureau of Public Administration.

Dr. Richard H. Heindel, chief of the Division of Libraries and Institutes in the Office of International Information and Cultural Affairs, Department of State, recently returned from a six-week inspection tour in Latin America, where he studied the cultural centers aided by the United States, the three American libraries in Mexico City, Montevideo, and Managua, the teaching of English programs, and matters dealing with art, music, publications, and translations in the public affairs program. Dr. Heindel visited many of the American affiliated schools, and has reported that

there seems to be a broadened market for American books and professional journals such as the REVIEW. Dr. Heindel was formerly associated with the University of Pennsylvania, where he inaugurated courses on the history of American influence abroad.

The Social Science Research Council published in March the first issue of a news bulletin entitled *Items*, to be issued irregularly but probably about every three months. The initial number contained a challenging article by Professor Pendleton Herring on "The Social Sciences in Modern Society."

At its March meeting, the American Society for Public Administration became an associate member of the International Institute of the Administrative Sciences, the American Section of the International Institute becoming a committee of the ASPA. Professor Leonard D. White was elected president of the Society, and Dr. Rowland Egger was appointed editor-in-chief of the *Public Administration Review*.

At Dartmouth College, Professor Donald H. Morrison, whose field of teaching has been public administration, has been appointed dean of the faculty.

The thirteenth annual Northwest Institute of International Relations was held at Reed College, in the interest of adult education in American foreign policy, on June 16-22. President Peter H. Odegard served as chairman.

Professor John D. Millett, of Columbia University, has returned to active duty in the Army of the United States and departed for Germany on May 1. He has been assigned as an assistant to Major General C. F. Robinson, who is in Germany as personal representative of the Under Secretary of War. Professor Millett will return to Columbia for the fall semester.

The American Political Science Association was represented at the National Conference on UNESCO held in Philadelphia on March 24-26 by Professors Charles C. Rohlfsing and Philip E. Jacob, of the University of Pennsylvania.

The University of Chicago announces the appointment of Harvey Perloff as associate professor in the Social Science Division and member of the staff in the program of research and education in planning. The central core of this group now consists of Professors R. G. Tugwell, Melville C. Branch, and Harvey Perloff. Other work will be given by Mr. Walter Blucher, director of the American Society of Planning Officials, and by Professors Herman Finer, Louis Wirth, and other members of the Social Science faculty.

A translation of Latin American constitutions will be published during the year by the University of Chicago Press. The book was edited by Professor Russell H. Fitzgibbon, of the University of California, Los Angeles, and Professors Cullen B. Gosnell, William A. Strozier and William B. Stubbs, of Emory University.

Professor Raymond G. McKelvey, of Occidental College, has been named vice-chairman of the Southern California Division, Institute of Pacific Relations.

Dr. George L. Millikan has resigned as assistant professor of government at Louisiana State University to accept an appointment as research associate of the Brookings Institution in Washington, D. C. Professor Millikan will be associated with the International Study Panel of the Institution, a group recently created under the chairmanship of Dr. Leo Pasvolsky, formerly Special Assistant to the Secretary of State. The Study Panel is undertaking a long-range study of the problems of American foreign policy.

Under the chairmanship of Professor G. Homer Durham, director of the Institute of Government at the University of Utah, a meeting of political scientists in the Mountain States will be held at Salt Lake City on November 29, 1947. A program for morning, afternoon, and evening sessions is being prepared and will be announced in August. It is expected that the meeting will result in the creation of a regional unit of political scientists cooperating with the American Political Science Association.

Professor Clarence Senior has been named director of the Social Science Research Center of the University of Puerto Rico to succeed Dr. Rexford G. Tugwell, now director of the Institute of Planning at the University of Chicago.

After eight years as director of the Governmental Research Institute of St. Louis, Dr. Charlton F. Chute resigned in March to become director of the Philadelphia Committee of the Pennsylvania Economy League. His successor at St. Louis is Dr. Victor Brannon, for several years assistant director. The assistant directorship, in turn, has been filled by the return of Dr. Estal E. Sparlin from two years of leave as a staff member of the Missouri legislative research committee assisting with revision legislation under the new Missouri state constitution.

On May 17, Dr. Paul H. Appleby was installed as dean of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University. In connection with the event, a full day's program was carried out, with Professor John M. Gaus, of the University of Wisconsin, Mr. Louis Brownlow, former director of the Public Administration Clearing

House, and Chancellor William P. Tolley, of Syracuse University, presiding at sessions, and with addresses by (among others) Reinhold Niebuhr, of Union Theological Seminary, Herbert Emmerich, present director of the Public Administration Clearing House, T. V. Smith, of the University of Chicago, and finally Dean Appleby himself.

Indiana University will launch in the autumn an area and language program of studies with emphasis on Russia but including also Finno-Ugric languages and cultures. Fellowships will be offered to graduate students, and with the aid of a grant from the Rockefeller Foundation at least one European scholar in the Finno-Ugric field will be brought each year to join the resident staff.

Colgate University has developed since the war a comprehensive program of Latin American courses, as the principal feature of its new Area Studies Program. It now offers a group of eleven courses leading to a baccalaureate degree with concentration in Area Studies (Latin America), and beginning in the fall it will also be possible for a student to work toward the degree of master of arts with concentration in the social, economic, or political aspects of Latin American affairs.

The University of Wisconsin announces a new program of graduate studies leading to the degree of master of arts or of science in regional planning, or alternately constituting a minor for a doctorate. The program was worked out by a committee of which Professor John M. Gaus was a member.

Next September, Harvard University will institute a Regional Program on Soviet Russia designed to make students broadly conversant with the contemporary Russian scene and its essential background, and to give them a firm working knowledge of the language. It will be a graduate program leading to a master's degree, to be attained normally by students already grounded in the language in about two years. Only some twenty students will be admitted to the program each year, and instruction will be given both by regular members of the Harvard faculty and by visiting lecturers. Information may be obtained from Professor Donald C. McKay, Littauer Center 127, Cambridge.

At the beginning of the calendar year, the Library of Congress instituted a new service to libraries and scholars in the form of a *Cumulative Catalogue of Library of Congress Printed Cards* which may be subscribed for at the rate of one hundred dollars per annum. As long ago as 1901, Library of Congress printed catalogue cards were placed on sale to the public, and sales have lately totaled some sixteen million cards a year. Later on, full sets of cards as issued were supplied to some one hundred

libraries free of charge, on condition only that they be kept in order and made available for use. Under the newest arrangement, the distribution of cards will be largely or wholly superseded by subscriptions to the *Cumulative Catalogue*, to be issued nine times a year.

The Bureau of Municipal Research at the University of Texas, founded in 1913, has issued a brochure entitled *A Quarter-Century of Municipal Research*, covering the research projects of the bureau during the period of its existence. Dr. Stuart A. MacCorkle, professor of political science, is the bureau's director.

The Social Science Section of the Ohio College Association met at Antioch College on March 28-29, with Professor V. Carlson, of Antioch, president, in charge. The program included discussions of the labor situation, taxation in Ohio, and revision of utility legislation; also committee reports in connection with a proposed constitutional convention in 1952. S. R. McGowan (political science), Kenyon College, was elected president. E. Kingman Eberhart (economics), College of Wooster, vice-president; and Mona Fletcher (political science), Kent State University, was re-elected secretary-treasurer.

An intensive course conducted for representatives of business corporations on the subject of "American Business in the Middle East" was given at the School of Advanced International Studies in Washington, D. C., March 17-29. The panel of lecturers and leaders of round tables included thirty-one experts from American colleges and universities and the U. S. Departments of State, Commerce, and Agriculture.

With a view to enabling research training programs to be entered upon with a minimum of delay, the Social Science Research Council instituted in 1946 a plan for awarding fellowships at frequent intervals. Included in awards made during the period October 1, 1946, to January 31, 1947, were the following (in nearly all cases for research preparatory to doctoral dissertations): John de Francis (Columbia University), "Political Aspects of Reform in the Chinese Written Language"; Merrill R. Goodall (University of California), "Southern Solidarity in National Politics"; E. Burke Inlow (University of California), "The Evolution of Patents as a Property Right"; Paul M. Kattenbrugh (George Washington University), "The Impact of the Change in Indonesia from Colonial Status to Independence on Contemporary International Relations"; Maurice H. Wells, Jr. (Louisiana State University), "Recent American Critics of Democracy."

Reënforcing the world's most complete collection of documents on recent Spanish history, the Hoover Library on War, Revolution, and Peace

at Stanford University received in February a very large shipment of documentary materials on the post-revolutionary period. More than half consisted of books, pamphlets, and Spanish-language newspapers from the German Cultural Institute in Madrid, long operated by the German embassy and the center of Nazi propaganda in war-time Spain. The remainder was composed of documents covering the Franco régime since 1929 and also the Spanish civil war from the Franco side, with, in addition, a collection of materials on the current anti-Franco underground movement. How these underground papers were got out of the country is said to be a Library secret.

On recommendation of the United Nations Nuclear Commission on Human Rights, with the approval of the Economic and Social Council, and under the direction of Professor B. Mirkine-Guetzévitch, consultant to the United Nations Secretariat, a yearbook on human rights is being compiled by a group of scholars, diplomats, lawyers, and journalists. The publication is planned to include complete texts of all declarations and bills of rights throughout the world; constitutional texts concerning individual and social freedom throughout the world, apart from the bills of rights; the principal laws on individual and social freedom promulgated in 1946; and the texts of constitutions of federated states, such as the Swiss cantons, the Soviet Socialist republics, the forty-eight states of the United States, and the Latin American republics.

The Department of State *Bulletin*, a weekly publication compiled and edited in the Division of Publications, Office of Public Affairs, provides the public and interested agencies of the Government with information on developments in the field of foreign relations and on the work of the Department of State and the Foreign Service. The *Bulletin* includes press releases on foreign policy issued by the White House and the Department, and statements and addresses made by the President and by the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information concerning treaties and international agreements to which the United States is or may become a party and treaties of general international interest are included. Publications of the Department, cumulative lists of which are published at the end of each quarter, as well as legislative material in the field of international relations, are listed currently. The *Bulletin* may be obtained from the Superintendent of Documents, Government Printing Office, "at an annual subscription rate of \$5.00.

From June, 1946, through March, 1947, Dr. Pendleton Herring served as secretary of the United Nations Atomic Energy Commission at Lake

Success, New York. He was director of the Atomic Energy Commission Group in the Department of Security Affairs of the United Nations. He assumed this position for a limited period of leave from the Carnegie Corporation of New York and directed the Secretariat's work on the First Report of the Atomic Energy Commission to the Security Council. The Council finished its consideration of this report by the end of March, 1947. Dr. Herring resigned his post as secretary of the Graduate School of Public Administration and his professorship in the department of government at Harvard University, where he had been on the faculty since 1928, to join the Carnegie Corporation as executive associate last spring. The Corporation is now particularly concerned with the support of social science research, with area and international studies, and with programs enabling our universities to extend their sphere of usefulness to the community and to government. Dr. Herring is handling various phases of this work at the Corporation's offices, 522 Fifth Avenue, New York.

Compilation of biographies for the second edition of the *Directory of the American Political Science Association*, to be published in 1948, has begun under the editorship of Franklin L. Burdette, of the University of Maryland. Questionnaires for biographical information are being sent to members of the Association who have joined since publication of the first edition. Members whose biographies are printed in the first edition will be asked to revise their sketches shortly before the volume goes to press. Editorial costs of the project are being borne by the National Foundation for Education, of which Samuel R. Harrell of Indianapolis is chairman. Members of the Association are requested to nominate for membership colleagues who should be listed in this standard professional *Directory*.

The Fifth Conference of Midwest Political Scientists was held at the University of Notre Dame, May 2, 3, and 4. After an address of welcome by Notre Dame's president, John J. Cavanaugh, the opening session on Friday evening was addressed by President Arthur W. Macmahon of the American Political Science Association on "Functional Needs and the Problem of a Unified Foreign Service," and by Dr. William P. Maddox, director of the Foreign Service Institute, U. S. Department of State, on "The Foreign Service of Tomorrow." Five "Significant Developments in the Midwest" were discussed in the same number of informal group meetings on Saturday morning. The respective group subjects were: "State Constitutional Revision," "Improvement of State Legislatures," "State Administrative Organization," "The Progressive Movement," and "Municipal Finance Problems." In the afternoon general session, "Citizenship Education for Today and Tomorrow," was the theme, selected for its appeal not only to political scientists but to teachers of social studies in secondary schools, who were especially invited to participate in this

session. After addresses by Elmer F. Pflieger on "The Detroit Citizenship Study," and by Robert A. Walker on "Citizenship Education and the Colleges," there were four round tables dealing with, respectively, "Teaching American Government in the High School," "General Social Science Courses on the Junior College Level," "Teaching International Relations in High School and College," and "Training Teachers of Government for High School and College." The Saturday evening session was devoted to "Government and Labor-Management Relations," with addresses by Henry H. Bolz, chairman, Labor Relations Council of Chambers of Commerce of the U. S., Kermit Eby, director, Department of Education and Research, CIO, and Boris Shishkin, economist, AFL. At the annual business meeting (the last previous one was in May, 1942), officers for the year were chosen. Placed on the Managerial Committee were Harold Zink (*chairman*), Phillips Bradley, William L. Bradshaw, LaVerne Burchfield, Herbert C. Cook, Reuel G. Hemdahl, Llewellyn Pfankuchen, and Howard White. Members of the Program Committee are E. Allen Helms (*chairman*), Paul C. Bartholomew, Marshall Dimock, Marshall M. Knappen, William S. Shepherd, and Hilda Watters. The secretary-treasurer, who succeeds to the post held by Harold Zink since the establishment of the Conference, is Harry W. Voltmer. The final session occupied the remainder of Sunday morning after the business meeting was concluded. Harold M. Vinacke spoke on occupation policies in Japan and on relations between the United States and Russia in the Far East; Harold Zink analyzed occupation policies of the United States in Germany; and Waldemar Gurian discussed United States-Russian relations in Europe. Several other members of the Conference participated in the discussion, and many questions were directed to James K. Pollock, who had been asked to make a brief statement on the situation in Germany. Attendance at the fifth exceeded that at preceding Midwest Conferences, with over 150 registrations. Llewellyn Pfankuchen was chairman of the committee which planned the program; Robert E. Keohane organized the Saturday afternoon sessions, and Phillips Bradley the Saturday night program; and Paul C. Bartholomew was chairman of the committee on local arrangements.—HOWARD WHITE.

Opportunities in Naval Research. The Navy Department has taken the lead in encouraging private research in its rich collection of documents. On March 8, 1947, the representatives of 26 learned societies and other interested groups held an all-day meeting at the Navy Department at the invitation of Secretary of the Navy James V. Forrestal. As expressed by Mr. Forrestal, the purposes of the meeting were to inform the representatives of the present naval historical program, to indicate further studies which should be made and the material on which these could be based, and

to enlist the aid of the societies in promoting sound naval historical writings.

The conference included an opening welcome by Fleet Admiral Chester W. Nimitz; statements outlining the accomplishments and plans of the Navy Department in operational and administrative history; a description and inspection of the vast files of the Office of Naval Records and the first narratives available in the Office of Naval History; an afternoon round-table discussion of the usefulness of naval research materials to outside scholars; and an evening dinner at the Army and Navy Club, at which Fleet Admiral Ernest J. King addressed the conference on the utility of naval history.

The administrative histories completed and in preparation are of particular interest to political scientists. The Historian for Naval Administration, Dr. Robert G. Albion of Princeton University, is now working on a two to three volume over-all history of the administration of the Navy Department from its establishment in 1798 to the present. It is expected that the first volume, covering the period to the eve of World War II, will be ready by April 30, 1948, in time for the 150th anniversary of the founding of the Department. A number of more specialized studies, covering such subjects as naval logistics, procurement, and personnel, will be published during the coming year. The fact that scholars like Robert H. Connery are working on these supporting volumes guarantees a high standard in the final product.

The Office of Naval History has also collected and bound approximately 200 typescript volumes representing the administrative history of the naval bureaus and offices, overseas bases, task forces, naval districts, and field offices. Some 50 supplementary volumes cover pertinent directives and documents, manuals, publications, and photographs. These narratives cover such a wide range of subjects as to defy a summary. Among the subjects touched are assembly and delivery of men, food, stores, equipment, spare parts, and ammunition; the building of additions to the Fleet and maintenance of the Fleet; the planning and construction of advanced bases; transportation, communications, intelligence, internal security, naval aviation organization, accounting and disbursing, medical and hospital care—to mention only a sample few. These first narratives were written for two purposes: to guide the future researcher into the voluminous files of the commands, and to serve as manuals for future administrators and students.

The published volumes in the administrative history program will be unclassified and easily obtainable. Steps are being taken to declassify many of the typescript first narratives mentioned above. Until recently, the official policy was that "the narratives are available only to specifically authorized naval and military personnel." The Navy Department has

not yet made clear how far it will go in allowing access to these narratives, or in lending copies, say, to a student on the West Coast who is unable to make a trip to Washington, D. C. Nevertheless, Captain John B. Heffernan, Director of Naval History, indicated that he welcomed requests from outsiders interested in these materials.

The general value of these first narratives, of course, varies with the professional competence of the writer. Yet each narrative—whether of a bureau, a frontier, a district, or a fleet—has tried to reach the laudable goal of showing what the organizational and administrative problems were in each case; what solutions were tested and found ineffective; and what policy changes resulted from the final determination of the correct solution. The bulk of the files in the Office of Naval Records comprise operational documents such as war diaries, action reports, submarine war patrol reports, aircraft action reports, and operation plans. The files of the Chief of Naval Operations and the Commander-in-Chief, U. S. Fleet, are also contained in the Office of Naval Records. The National Archives houses the naval operational records prior to 1927 and the administrative records up to a more recent date.

The Navy Department has taken a progressive attitude toward declassifying these materials and allowing outside scholars to use them. The two present blocks to declassification are those documents which discuss the actual performance of American weapons and those which involve security of communications. Much progress has already been made, however, and the Navy announced that it would encourage requests by students to obtain access to these materials.

Substantial progress has been made in collecting German and Japanese naval records. The Archives of the German Admiralty since 1850 and the Library of the German Naval Academy both were captured almost intact by the Allies, and are being shared by Great Britain and the United States. Many of these documents are still in England, but it is expected that microfilming processes will guarantee duplicates for both countries. Following examination of the documents by American and British officers, they are being translated, and eventually will be turned over to the historical services of the British Admiralty and the Navy Department.

For a number of reasons, the Japanese records are not as complete as the German records. They were never as complete in the first instance, because the Japanese were not as meticulously thorough in recording events and plans. Apparently Japanese officials destroyed a larger proportion of the records than did the Germans, and the B-29 raids on Tokyo destroyed a substantial percentage. In addition, Japanese translators are not as numerous as German translators, and this also delays availability.

Although there has been a free exchange of records between British and

American authorities, there has been little or no exchange between the U.S.S.R. and her Allies.

Both the Navy and the Marine Corps are attempting to obtain the personal letters and other personal files of high-ranking officers. The Naval Historical Foundation is coöperating in this effort. The importance of collections like the diary and personal letters of Gideon Welles in interpreting the period can hardly be exaggerated. Nevertheless, the Navy Department has not been completely successful in this attempt, for the prize collection of the period—the personal letters of Secretary of the Navy Frank Knox—are apparently in the hands of the Knox family.

The Office of Naval History plans to develop a list of possible topics for master and doctoral dissertations, which will be available to scholars in the field. It is hoped that such a file will serve as a standby list of public works projects which can be constructed when the facilities become available.

All inquiries pertaining to academic studies in the field of naval history, and requests for the use of records, should be addressed to: Director of Naval History, 1224 Navy Department, EXOS, Washington 25, D. C. The Office of Naval History announces that it will gladly consider on an individual basis proposals for studies in this field, and that questions of security classification can be taken up at the time of the request.

The gradual liquidation of the war history program throughout the federal government, and the indication that public funds for research will grow smaller, lends a new importance to the plans announced by the Navy Department at the March 8 conference. The burden of distilling the knowledge derived from our wartime experiences will fall increasingly on private research. The Navy Department is to be congratulated upon taking the initiative in stimulating private research in its materials, and it is to be hoped that other agencies of the Government will take an equally liberal attitude toward their own records and research opportunities.—KENNETH W. HECHLER.

BOOK REVIEWS AND NOTICES

States and Morals; A Study in Political Conflicts. BY T. D. WELDON. (London: John Murray. 1946. Pp. xi, 302. \$2.75. Distributed in the United States by the Public Affairs Book Service, Washington, D. C.)

The purpose of political philosophy, as Mr. Weldon conceives it in this book, is "to discover the grounds on which the State claims to exercise authority over its members" (p. 1). Political philosophies divide upon this question into two opposed classes, the organic and the mechanical. According to the organic theories, the State is defined as society organized into a sovereign political body, a natural individual superior to and more valuable than the individuals who are its citizens (p. 29). The mechanical theories differ from this in regarding the State as an organization within society to accomplish specific purposes which are set by some or all of the members as individuals. Theories which regard the State as a mechanism are further subdivided by Mr. Weldon into those which define it in terms of force and those which justify its authority in terms of the consent of the governed. The last is the class of democratic theories. Organic theories are exemplified by Aristotle, Rousseau, and Hegel; force-theories by Hobbes and Marx; democratic theories by Locke. In effect, however, Mr. Weldon's discussion turns upon the contrast between organic and democratic states. He concedes that there are no states that depend wholly on force. Russia and Germany are organic states; Great Britain and the United States are democratic states.

In point of fact this rather wire-drawn ideological classification does not fairly represent the best qualities of Mr. Weldon's book. He is not misled by his own formalism, and his discussion of specific questions is in general quite concrete and realistic. Sometimes it qualifies the formalism to a point where the reader does not know quite what is left of it. The general thesis of the book might be stated as follows: between Russian and German government on the one hand and English and American government, there is a fundamental difference, viz., that the former regard human beings as expendible for the purposes of the organized society, while the latter regard organization as means for securing values which in the last resort must accrue to individuals. An interesting subsidiary point in this connection is Mr. Weldon's contrast of British with American democracy. American democracy, he believes, because of its dependence on the "atomic" individualism of the eighteenth century, is prone to think of the equal rights of men as such rather than of the rights of a distinct personality, and in practice to lean toward legalism and a somewhat drab conformity. Perhaps an American will think of the Navaho saying that "all white women look alike."

Mr. Weldon construes the difference between organic and democratic

governments as a fundamental incompatibility of moral valuations, an irreconcilable discrepancy between different judgments of individual worth. These discrepancies cannot be removed by argument, because in the end they do not depend on either rational or empirical discriminations. Mr. Weldon's theory of moral value is therefore similar to (though not an imitation of) the moral-sense intuitionism of Shaftesbury, Hutcheson, or Hume. Moral judgments are of the nature of what Hume called "sentiments." They are produced rather by psychological conditioning than by logical argument. From these premises Mr. Weldon deduces several important practical conclusions: democratic government cannot exist in, or be successfully imported into, a population that does not hold democratic values; the reconditioning of a population with other values may be possible, but will certainly be slow and difficult; since valuations rest on sentiment, argument about them between persons with divergent valuations produces exasperation but not agreement.

The fundamental question in international relations concerns the way in which nations can live together peacefully when they are in irreconcilable disagreement on the fundamentals of morals. Practically, this question means for Mr. Weldon: Are Russia and the United States going to fight an ideological religious crusade? His recipe for avoiding it is statesmanship—the avoidance of debate about insoluble moral differences and of propaganda for irreconcilable systems of value, the keeping of national intercourse on the level of second-level questions where compromise is possible and discussion can lead to agreement. His analog for this solution is the rise of religious tolerance in the seventeenth century, where likewise the competing moral valuations were incompatible. It seems to me that he omits one historical factor in this analog. In the seventeenth century, statesmanship could deal with intolerance because a growing sense of national unity supplied an increasing force of political cohesion that tended to dwarf religious differences. What similar cohesive force, extending across national lines, can the statesman now depend upon and foster?

GEORGE H. SABINE.

Cornell University.

Democratic Capitalism. BY DAVID W. RAUDENBUSH. (New York: The John Day Company. 1946. Pp. xi, 338. \$3.50.)

Accepting James Burnham's thesis that both business and government are coming under the control of the "managerial" class (*The Managerial Revolution*, New York, 1941), and viewing postwar developments in Europe as confirmation of this trend, Mr. Raudenbush offers a thoughtful proposal which he believes will enable capitalism to democratize itself and, by moving into a new phase, to escape "managerialism." The author

frankly admits and fully enumerates the shortcomings of present-day finance capitalism. He is particularly concerned about its inability to distribute purchasing power properly and to prevent unemployment, and about the stifling of competition by cartels.

His plan of reform is a combination of consumer-coöperation, profit-sharing, and employee-ownership. He proposes retroactive adjustment of wages and prices, thus distributing profits equally (at first) among a corporation's stockholders, employees, and customers. To help in attaining his goal of economic decentralization, he would outlaw the holding company and restrict the privilege of stock ownership in corporations to their full-time employees. Realizing that his plan would never be adopted "spontaneously," Mr. Raudenbush suggests new federal income tax laws imposing a tax of 66.6 per cent on the net income of all corporations engaged in business for profit, but exempting those which could show that they had distributed one-third of their net profits to their employees and one-third to their customers. There would also be a special tax on income realized from voting stock "held by a taxpayer not a natural person employed on a full-time basis by the corporation." The author favors flexible wage control by government boards, even after the "management-labor group" becomes identical with the "stockholding group."

Mr. Raudenbush claims that his plan would stimulate demand and competition, make the economy more resilient, "preserve a healthy balance" between consumption and investment (thereby helping to ward off depression), and provide a growing volume of economic statistics which would reduce the margin of error in business judgments. Among supplementary measures, he includes expansion of the category of "businesses affected with a public interest" (although apparently overlooking the vital fact that affectation with public interest already brings a business under very extensive, not slight, government regulation), reduction of the hours of labor to keep pace with technology, amendment of the patent laws to compel production of the patented device, governmental establishment of research laboratories available for individual use, and joint investment by government and business in certain types of enterprises.

Despite his painstaking thoroughness, which includes careful consideration of the international aspects of his plan, Mr. Raudenbush fails to answer the crucial question: How could Congress ever be prevailed upon to enact such a plan into law? While the author seems to be aware of pressure groups, he fails to recognize that they are so strongly entrenched as to make his plan a political impossibility. Certainly consumers are politically impotent, and it seems clear that even labor cannot match the power of great corporations and combines. This reviewer cannot share the author's view that the size of "production units" is unimportant once finance-capitalist control is eliminated, nor agree with him when he calls Hayek's discussion "brilliant." In his determination to avoid "managerialism" and

"bureaucracy," Mr. Raudenbush would employ so many government controls and "inducements" that it is difficult to see where "democratic capitalism" ends and "managerialism" begins. Indeed, he falls into many semantic traps in his employment of terms such as "planning," "liberty," and "political." In effect, he offers a plan to avoid "planning."

However, it must be said in all fairness that the author has displayed great imagination and sincerity in coming to grips with the actual facts of so large and complex a problem. He should not be blamed because others will lack the wisdom to give his proposal a fair trial.

CARLTON C. RODEE.

University of Southern California.

A Free and Responsible Press; A General Report on Mass Communication: Newspapers, Radio, Motion Pictures, Magazines, and Books. BY THE COMMISSION ON FREEDOM OF THE PRESS. (Chicago: University of Chicago Press. 1947. Pp. 139. \$2.00.)

This is the general, summary report of the Commission on Freedom of the Press set up in 1943 at the suggestion of Henry R. Luce of Time, Inc., to inquire into "the present state and future prospects of the freedom of the press." The Commission consisted of Robert M. Hutchins, chairman, Zechariah Chafee, Jr., John M. Clark, John Dickinson, William E. Hocking, Harold D. Lasswell, Archibald MacLeish, Charles E. Merriam, Reinhold Niebuhr, Robert Redfield, Beardsley Ruml, Arthur M. Schlesinger, and George N. Shuster. The staff of the Commission comprised Robert D. Leigh, director, Llewellyn White, assistant director, Ruth A. Inglis, and Milton D. Stewart. Associated with the Commission were four foreign advisers: John Grierson, Hu Shih, Jacques Maritain, and Kurt Riezler.

The inquiry was financed by grants of \$200,000 from Time, Inc., and \$15,000 from Encyclopaedia Britannica, Inc. The scope was broadened to include all agencies of mass communication, and whenever the word "press" is used in the report it refers to all these media. In his foreword, Dr. Hutchins states that the Commission did not try to conduct elaborate "research." It merely sought facts "to fill out gaps in its information or to answer questions which arose in the course of its discussions." In full session or in committee, it heard testimony from 58 persons connected with the press, and the staff recorded interviews with more than 225 persons from industry, government, and private agencies. The Commission held 17 two-day or three-day meetings and studied 176 documents prepared by its members or the staff.

The gist of the Commission's argument seems to be that if those in charge of our mass communication agencies do not wake up to their public responsibilities and seek to meet the communication needs of modern society, there is a real danger that government control will be extended,

and that freedom of the press will be lost. One of the principal contributions of the report is the Commission's definition of the communication requirements of modern society as follows: (1) a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning; (2) a forum for the exchange of comment and criticism; (3) the projection of a representative picture of the constituent groups in society; (4) the presentation and clarification of the goals and values of society; and (5) full access to the day's intelligence.

The Commission concludes its report with a list of thirteen recommendations designed to free the press "from the influences which now prevent it from supplying the communication of news and ideas needed by the kind of society we have." It asks the government to do five things: (1) extend the constitutional guarantees of press freedom to radio and motion pictures; (2) facilitate new ventures in the communications industry, maintain competition therein, and see that the public gets the benefit of large-scale operations; (3) improve the libel laws; (4) repeal the peacetime sedition clauses of the Alien Registration Act of 1940 and state syndicalist laws; and (5) make whatever use of mass media is necessary to tell other countries about the United States and to keep the American people informed regarding government policies.

The Commission also asks the press itself to do five things: (1) accept the responsibilities of common carriers of information and discussion; (2) finance new, experimental activities; (3) engage in vigorous mutual criticism; (4) increase the competence, independence, and effectiveness of its staff; and (5) have radio take control of its programs and treat advertising "as it is treated by the best newspapers."

The public's responsibilities in the matter, according to the Commission, are three-fold: (1) to have non-profit institutions help to supply the variety, quantity, and quality of communication services needed; (2) to set up professional centers of advanced study, research, and publication in the communications field; and (3) to establish a new and independent agency to appraise and report annually upon the performance of the press. "Although government has an important part to play in communications, we look principally to the press and the people to remedy the ills which have chiefly concerned us" (p. 3).

Limitations of space preclude a detailed analysis of the Commission's findings. Certainly there will be those who will find many debatable propositions in the report, notwithstanding the unanimity of the distinguished members of the Commission. Throughout the report, one senses the Commission's difficulty in trying to reconcile the communication needs of modern society with private ownership and control of the agencies of mass communication. Repeatedly affirming its faith in private enterprise and its fear of government control, the Commission insists nevertheless that the business of mass communications is "affected with a public interest,"

and asks for considerable extension of governmental activity. The Commission's failure to define clearly the respective rôles of government and private enterprise is one of the principal shortcomings of the report. It is unsatisfactory to leave the whole matter, as the Commission apparently does, with the statement (p. 131): "The situation approaches a dilemma. The press must remain private and free, ergo human and fallible; but the press dare no longer indulge in fallibility—it must supply the public need. Here, again, there is no perfect solution."

Has the Commission, in defining the communication requirements of modern society, made unreasonable demands on the press? The standards are admittedly high, but the argument of the Commission that they are essential is convincing. However, the assertion (p. 91), with virtually no proof, that private enterprise can meet these needs at a profit is not so convincing. Moreover, the list of thirteen recommendations, calling on government and non-profit organizations to supplement private enterprise in this field, suggests that the Commission itself realizes it is not always true that "good practice in the interest of public enlightenment is good business as well."

What are the prospects that those in control of the agencies of mass communication will heed the warnings of the Commission? Experience in this and other fields would suggest that the threat of government control is a powerful aid to reform. But is this threat so far as communication agencies are concerned a real and dangerous one? In the opinion of the Commission, it is. But is it in the minds of private owners of mass communications? Probably not, since there is little evidence that the public generally is so aroused as to produce a change in the existing state of mind of congressmen. Neither public opinion polls nor the statements of public officials suggest the likelihood of a fundamental change in governmental policy in the near future. In the absence of a real threat of government control, the dilemma of the Commission is an illusion, and the prospect that mass communication agencies will really do anything to meet the communication needs of society a pious hope. The real problem is to raise the standards demanded by the public, to educate the masses to a desire for something better. When that happens, those in charge of mass communication will act or else!

HARWOOD L. CHILDS.

Princeton University.

Federalism and Intergovernmental Relations; A Budget of Suggestions for Research. BY WILLIAM ANDERSON. (Chicago: Public Administration Service. 1946. Pp. x, 192. \$2.00.)

This volume by the former chairman of the Committee on Public Administration and the Committee on Government of the Social Science Research Council has been long in gestation. It was begun some years ago

by the first committee as one of its contributions to the stimulation of research. It has been built upon memoranda upon the subject prepared by various scholars, including particularly a joint memorandum* developed by Professors George Graham and Herman Finer. Four years ago, Professor Anderson took over the task of carrying the project to completion, and he has succeeded admirably in fulfilling the purposes implicit in so comprehensive a subject for research.

The purpose of the work amply justifies the time, effort, and intelligence which have gone into it. While it continually calls attention to the need for the exploration of comparative experience in other federal systems, past as well as extant, the center of interest in Anderson's essays, hypotheses, and suggestions is the American scene. What is intended is to set in motion a great work of diagnosis, a thorough, searching, objective investigation of every important aspect of the relations among and between the national, state, and local governments. Despite the extensive bibliography available, Anderson correctly calls attention to the scarcity of first quality publication about federalism and the other intergovernmental relations in the United States. Most of the material, as he notes, has been concerned chiefly with constitutional and legal issues, even though the settlement of such questions prepares the stage for "subsequent action that may be far more significant."

Like the other research outlines developed by the Committee on Public Administration, this work is much more than a list of suggestions intended to titillate the research appetite. It is indeed replete with research ideas. But it is also a collection of partly completed essays on the many phases of federalism problems and of inter-governmental relations, which at times summarize the evolution of governmental experience (particularly American) relating thereto, or which set the stage for the meditation on various hypotheses which scholars may find fruitful in planning and prosecuting their inquiries.

The scope of the issues considered may be indicated by reciting the chief topics treated. These include: the fundamental characteristics of federal systems as well as other forms of union, theories of federalism and of other intergovernmental relations (including questions of uniformity and diversity of public needs and services, the issues of centralization and decentralization, and the arguments, pro and con, on federalism put forth by distinguished publicists since the days of 1787), constitutional and legal problems (such as the functions of judicial review in the enforcement of powers distributed by the "higher law," formal amendment processes, and the divisions of functions between nation and state), the rôle of the electorate in federalism, the issue of responsible government and the separation of powers, the question of majority rule and extraordinary majority requirements, the structural interdependence of nation and

states, legislative organization and processes in federal systems (including state and local legislative relations), executive relations (horizontal as well as vertical), judicial structure, power and relations under federalism, the characteristics and adequacy of the states in a federal system, local-government relations with national as well as state entities, regionalism possibilities and alternatives, intergovernmental fiscal relations (a very acutely discussed and extensively treated topic), foreign affairs and national defense, and the principal internal functions of the modern state (the control of banking, money, industry, utilities, commerce, natural resources, and agriculture, the protection of persons, property, business, and labor, and activities on behalf of health, education, welfare, and social insurance). A final chapter proposes the re-examination, in the light of recently acquired historical knowledge, of the early European and American confederations. It likewise pushes in front of the research nose the temptation to measure boldly the future prospects for a world federal system, a task calling not only for scholarship but for constructive and prophetic imagination. Despite the limitations of data surrounding such a subject, Anderson feels that studies looking toward the international application of federalism "may be more important than any others in this outline."

The book is not easy reading. Every one of the hundreds of questions raised is a warning signal—a "stop-look-and-listen" impediment to the enjoyment of ready-made solutions of the problems under review. If at times the queries seem too numerous, second thought makes evident their purpose not to allow by omission the loss of some possible fruitful hypothesis or the bias that silence sometimes creates.

Ruminations about the volume naturally turn on the prospect of obtaining the kind of far-flung advance in our knowledge of intergovernmental relations that is intended and so greatly needed. The accretions produced by isolated individual scholars are so slow in coming, and so often unrelated, that some other method of organizing for research in this area may be warranted. The Canadian Royal Commission on Dominion-Provincial Relations was doubtless precipitated by the impasse created when the Judicial Committee of the British Privy Council invalidated the Bennett "New Deal" program. Nevertheless, research monographs prepared by the company of scholars assembled by the Commission lay the foundation for the informed reëxamination of the entire gamut of powers (and of the inter-governmental relations associated with their exercise) distributed between the dominion and provincial organs of the Canadian federal union. Is there not a good case for a similar Domesday survey of the comparable aspects of federalism in the United States?

CHARLES MCKINLEY.

Reed College.

Economic Policy and Full Employment. BY ALVIN H. HANSEN. (New York: McGraw-Hill Book Company. 1947. Pp. xii, 340.)

Planning and Paying for Full Employment. EDITED BY ABBA P. LERNER AND FRANK D. GRAHAM. (Princeton: Princeton University Press. 1946. Pp. 222. \$3.00.)

Three documents mark the initial steps of the federal government under the Employment Act of 1946. One is the first annual report of the President's Council of Economic Advisers; an engaging essay on the political philosophy of the statute, the economic philosophy of sustained employment, and the outlook for production and jobs. Here the Economic Council rejects both the "Spartan doctrine of *laissez-faire*" and the "Roman doctrine of an external remedy"—to wit, "manipulation" of government spending and taxing as the modern counterpart to "bread and circuses"—in favor of "American democracy's doctrine of mutual adjustment." The second document, more comprehensive as well as more important, is the Economic Report of the President, prepared with "the advice and assistance" not only of his Economic Council, but also of "members of the cabinet and heads of independent agencies." This report, supported by graphs and tables, reviews the record of 1946, outlines the nation's "economic budget," identifies the goals for 1947, and sets forth recommendations for a short-range and a long-range program. The third document is the three-page report of the Joint Congressional Committee on the Economic Report. Although allying itself with "the President's hope that business will reduce prices, that labor will refrain from excessive wage demands, and that both will bend every effort to increase productivity," the Committee declares most of his short-range proposals "highly controversial" and, like his long-range recommendations, in need of further study. However, the Committee commends "the compilation of statistics and economic facts" in the President's report as "a substantial basis" for its own inquiries.

These documents, being of more recent date, have remained outside the range of the two books under review. The earlier one, *Planning and Paying for Full Employment*, is a series of papers brought together for a meeting of economists called in 1944 by the American Labor Conference on International Affairs, and later published in *International Postwar Problems*, the journal of the American Labor Conference. Two of the papers have attracted particular attention. The first is Frank D. Graham's ingenious suggestion for supporting sagging markets by Federal Reserve Bank purchases of liens on unsold inventories of standard storable goods. The other is Abba P. Lerner's application of the "functional finance" approach to the problem of full employment—"functional finance" meaning simply the planning of the financial activities of the government with a view to

their effects rather than their compatibility with "traditional canons of fiscal propriety" (pp. 163-164). The value of the book as a helpful introduction is considerably enhanced by Albert Halasi's illuminating survey of the scope of agreement and disagreement among the contributors to the symposium.

Critical analysis of unresolved issues is developed further in Alvin Hansen's latest study. His treatment is more comprehensive, though at quite a few points he assumes familiarity with his previous writings. Compensatory fiscal policy is a centerpiece in his reasoning, but he takes pains to show that this policy requires "responsible management" to control expenditures, taxes, and borrowing "so as to promote stability" (p. 11). He meets the "bogey of economic maturity" by drawing attention to the need for "a great national program of development" and the "rich fields for private investment" that would open up with it (p. 23). Moreover, as he puts it, the United States still is "incredibly deficient" in the areas of health, nutrition, education, and housing (p. 167). He sees the "true wealth of a nation" in its "capacity to produce a high real income." From such an angle, "scientific knowledge, skills, technical training, personal health and efficiency, social unity, and capacity to cooperate are of prime importance. Programs that contribute to the development of a society that has these characteristics in high degree are surely even more basic to the promotion of national wealth than mere brick and mortar" (pp. 185-186). Throughout his book, Hansen lays heavy stress on the need for a long-range point of view. "There is a strong disposition on the part of many to say that with the postwar restocking boom confronting us, it is nonsense to talk about full-employment measures. But we shall never grow up to our task of keeping the economy on a high and stable level if we persist in concentrating exclusive attention upon the present" (p. 251).

Both books, it should be noted, show a remarkable degree of sensitivity to political realities. Time and again a line of thought pronounced economically sound is abandoned when found unlikely to win popular acceptance. Eduard Heimann, in his contribution to the symposium, hints at the reason by speaking of the "increasing and disastrous" estrangement between public opinion and academic economics (p. 99). Yet, whatever their sense of proportion, economists share with political scientists an inescapable obligation to make plain the crucial character of coherence in program for the success of any forward-looking policy of high-level employment. This problem is linked with the general question of to what an extent consistent pursuit of long-range objectives may be insured under conditions of popular government. There is little doubt that an integrated executive branch under one elective head can make great strides toward evolving a widely inclusive and coherent program. Of still greater importance for democracy's ability to bring forth such programs is the

capacity of political parties for achieving within themselves a synthesis of divergent interests and aims. Recent moves toward legislative reorganization have been steps in this direction. Ultimately decisive, however, is the effectiveness of policy formulation and internal control in both of our major parties. One cannot talk fruitfully about full employment without ending with this vital theme.

FRITZ MORSTEIN MARX.

U. S. Bureau of the Budget.

Relief and Social Security. BY LEWIS MERIAM. (Washington, D. C.: The Brookings Institution. 1946. Pp. xx, 912. \$5.00.)

The years immediately preceding and following the adoption of the emergency relief programs in the early 1930's, and the passage of the Social Security Act in 1935, saw the publication of many books and monographic studies dealing with general or special phases of the field of social legislation. Almost all of this writing was, however, limited to a discussion of either the need for social security or social insurance programs in the United States, or an analysis of foreign programs and experience (and how this experience might or should guide American policy formulation.) Mr. Meriam's book, with the possible exception of *Security, Work, and Relief Policies*, published in 1942, is the first comprehensive analysis of the present content of American relief and social security programs and how they came into being, the development and present status of similar programs in Great Britain and New Zealand, and the basic issues now confronting our planners and policy-makers.

In Part I, Mr. Meriam presents a full—one might say almost encyclopaedic—survey of the development of emergency and long-time policies of relief, public assistance, and social insurance in the United States, with greatest emphasis on the years 1930 to 1945. The factors, social and economic, constitutional and political, influential in the shaping of these policies are fully and critically discussed, and there is a very adequate consideration of the alternatives that might have been considered and adopted. Perhaps the most serious criticism that can be leveled against this section of the book is that certain omissions are difficult to explain. The Federal Emergency Relief Administration receives but scant attention, although the work relief program of 1935 and after is treated fully. The former had, as is well known, a profound effect, not only upon federal action, but also upon state policy and administration. Workman's compensation is not mentioned, perhaps because it was a fully established state program by the 1930's. But in the field of social security legislation it certainly is equal in importance to the national civil service retirement system, which rates a chapter of the book. Finally, although health insurance is as yet not a part of our social security program, the widespread discussion that it has evoked, the serious consideration given to

one or another of the versions of the Wagner-Murray-Dingle bills, and the beginnings of health disability insurance, albeit linked to unemployment compensation, indicate the appropriateness of a fuller discussion than is included in the volume under review.

All students of social legislation will welcome the very able survey of the social security programs of Great Britain and New Zealand that make up Part II of Mr. Meriam's study. This includes a full analysis of past programs in Great Britain, as well as the proposals that came forward in 1946 as a result of the Beveridge Report. Persons principally concerned with American problems will find the discussions of variants in principle and policy that exist among the three nations both illuminating and incisive.

Undoubtedly Part III will stir the most controversy. It is the author's thesis that the United States should plan for and adopt a national (in terms of coverage and not policy control), comprehensive, and coördinated system of social security; and with this thesis there will be little argument. The view is bulwarked by a full and analytical consideration of the factors that must be weighed and considered, including social and political considerations, the cost of the program and who should bear it, administrative problems, and the mutual rôles and responsibilities of the nation and the states. The conclusions arrived at by the author, however, will be challenged by many. Endorsement of a means test as a base upon which the program should rest will be looked upon by some as a serious retrogression. It should be noted at this point that the author fully discusses this issue, and supports his position by noting the questionable social policy of spending limited funds to pay benefits to those not in need. Many who hold too closely to the analogy that is supposed to exist between private and social insurance will fail to agree with Mr. Meriam's suggestion that a flat income tax be substituted for payroll and employee taxes. Others, and this reviewer is among them, will question the assumption that federal power, in policy determination and administration, will lead to political manipulation of the social security system. Many studies in the field of national-state relationships in the United States do not support the view that in grant-in-aid programs federal standards should be restricted to minimal requirements. The developments in old age assistance and unemployment compensation at least give some evidence that the raising of state standards depends upon federal prescription.

It should be noted, however, that all of the positions taken by the author are most patiently and fully supported by the data he has gathered and examined. The comprehensiveness of his book, its objectivity, and the assembling of data and facts to support conclusions, combine to make this volume one of the most significant contributions of recent years.

ASHER N. CHRISTENSEN.

University of Minnesota.

Selected Letters of William Allen White. EDITED BY WALTER JOHNSON.
(New York: Henry Holt and Company. 1947. Pp. viii, 460. \$3.75.)

Students of government and politics will welcome this volume as a valuable addition to what bids fair to be a considerable literature about the world-famous editor from Main Street, U. S. A. (Emporia, Kansas). *Selected Letters* admirably supplements William Allen White's *Autobiography* published last year; for more than half of this selection of letters is devoted to the period after 1920 where the *Autobiography* ended. The collection, however, begins with 1899, shortly after White had first come into the national limelight.

Mr. Johnson's book is what it purports to be—*Selected Letters*, not a complete compilation. While this undoubtedly adds to the color and interest of the collection, it surely omits much material which would be valuable to political scientists. Students of "pressure politics," as well as those with particular interests in international politics, will find considerable grain for their grist in the letters dealing with White's leadership of the Committee to Defend America by Aiding the Allies, but the whole story is not here, for reasons of space. Within the book's limits, however, persons interested in parties, public opinion, and political personalities will find a great deal of useful material.

One of the more challenging aspects of White's personality, for the specialist in party politics, is the small-town editor's hero worship of Theodore Roosevelt. In the hierarchy of political leadership, which by its very nature is feudal in character, William Allen White was a loyal vassal of the Rough Rider. Only once in the pages of this collection does White talk back to his liege lord. In similar fashion, the political analyst will find a matter of great interest in the partisan loyalty which kept White from recognizing the full merits of Woodrow Wilson and Franklin D. Roosevelt. Though he professed in his *Autobiography* that his Republicanism was based more upon expediency and geography than upon principle or tradition, yet the habit of a generation, together with the scars of many political encounters, gave a partisan twist to his mind. Emotion also played a significant part in his dislike of the East. Indeed, he was a symbol of the Middle West, and his allegiance to his native region was an important factor in his retirement from leadership of the Committee to Defend America. In other words, the political psychologist will study White's *Letters* with great interest to see the invisible forces of personal, regional, and party emotion which determine the attitudes of an outstanding political figure.

The *Letters* shed a little new light upon the whole Progressive movement and will be studied closely by those who are inquiring today if Middle Western liberalism is dead. White was a master realist in appraising the political attitudes of farmers and small-town people. The volume merits

careful examination by all who are asking if World War II will be followed by a Harding era as was World War I. In 1936, White sized up Kansas politics acutely: "My opinion . . . is that if times get good, people vote Republican, and while times are bad, they are going to vote Democratic" (p. 356).

Finally, anyone who loves to read the masters of American prose will find many a gem from the facile pen of the skillful editor. The Kansan loved a good joke or spicy wit. Political scientists who enjoy witticisms will find numerous examples in this volume, including the one about the personnel of the State Department: "The State Department has just two breeds of horned cattle—full blooded sons-in-law and high-grade sons-of-bitches" (p. 439). White's advice to Franklin D. Roosevelt in 1937 was to beware of coming into "the prostate zone" (p. 384). All of these items will add interest to the announcement of a forthcoming biography from the scholarly pen of Mr. Johnson, who has done a very craftsmanlike job of editing the *Letters*.

JASPER B. SHANNON.

University of Kentucky.

Dinner at the White House. BY LOUIS ADAMIC. (New York: Harper and Brothers. 1946. Pp. 276. \$2.50.)

By means of an invitation from Mrs. Roosevelt to dine at the White House, Louis Adamic has, through this book, sought to dramatize his opinions on world affairs, and to clarify what American foreign policy should be, based on those opinions.

The occasion for the invitation to dinner appeared to be an attempt to secure from President Roosevelt his view of Adamic's proposal in a former volume entitled *Two-Way Passage* that American citizens with European backgrounds (especially those from the loyal occupied states) should be selected and trained with a view to their leadership in reconstructing and restoring these unfortunate states. Winston Churchill appeared as a surprise guest for dinner, and was, at the time, reading Mr. Adamic's book.

The author has attempted the difficult art of character delineation. He sees Mr. Churchill through unfriendly eyes, as an uncompromising Tory, an unblushing imperialist, a high-priest of Anglo-Saxonism, and as following the interests of the British Empire at all times. The picture he draws of Mr. Churchill, from a personal standpoint, is far from an admirable one. Mr. Roosevelt is credited with great personal charm, unprecedented political leadership, high motives, and liberal outlook. In discussing Mr. Roosevelt's official and political conduct, Mr. Adamic's technique is to ask many "double-barreled" questions, with the answer in many cases apparently indicated by the manner and wording of the

question. The end-result is to portray Mr. Roosevelt as a man of destiny and of opportunity, who, however, for reasons which Mr. Adamic has tried to advance, has fallen short of the desired and ultimate goal. Mrs. Roosevelt, receiving less attention from the standpoint of analysis, comes out first in the author's appraisal, and is given much credit for liberal leadership on her account, and for her aid to and influence upon the President.

Mr. Adamic does well to call attention to the deficiencies of the United Nations; to the dangers of a selfish Anglo-Saxon entente; to the difficulty and importance of understanding Soviet foreign policy; to the devitalizing influence of reaction in domestic and international affairs; and to the rights and interests of the small restored states.

In other respects, Mr. Adamic has done himself, as author and scholar, a real disservice. He might have recognized such merit as Anglo-Saxonism possesses. He might have given full credit to the British-American war undertakings and efforts, which made it possible for the occupied states to live again. He could have understood the necessity of some relaxation by the United States of its foreign contributions, due to the demands of its domestic economy. It is his right to criticize American policy at the San Francisco Conference, our dealings with the U.S.S.R., and our attitude toward Tito of Yugoslavia. It would have been better had he also pointed out the delinquencies of other nations at San Francisco; the unreasonable attitudes of the Soviet Union and the obstinacy of Mr. Molotov; and the faults and inconsistencies as well as the virtues of the Tito régime. And he might have tried to square Russia's recent conduct in diplomacy with her Yalta and Potsdam commitments!

The last part of the book is most disappointing. "Abroad the U.S.A. is feared and hated." Mr. Truman and his advisers seem without cause, ideas worthy of the name, or policy. The "Trumans and Byrneses" must yield to leaders as different as "day is from night." Everything is wrong. Nothing is right. Now it can be told!

In such matters as national destiny and world policy, no one man or group can have his or its way, blueprint the future, or control national and world destiny. Many men and many minds make their separate contributions. In the past, authors have taken seriously to task the country which has given them opportunity and security, for not following their special programs and points of view. And, strangely enough, the country has survived.

CHARLES E. MARTIN.

University of Washington.

American Planning; Past-Present-Future. BY CLEVELAND RODGERS. (New York: Harper and Brothers. 1947. Pp. xiv, 290. \$3.00.)

If evidence were required of the government-planning phobia so wide-

spread among the people of the United States, it could be found in substantial measure in this book. Indeed its author, who has been a member of the Planning Commission of New York City and the Queensborough Planning Commission, a vice-president of the American Society of Planning Officials, and the author of several books dealing with planning, is so aware of the delicacy of the situation that he borrows the personality of a young Air Force officer, hoping through his observations and reactions to disarm the hostility that might otherwise greet such a discussion. A political scientist may find himself wishing at times that Mr. Rodgers were free to speak directly.

In establishing a background for his current reflections, Mr. Rodgers's aviator surveys the entire panorama of American history, discovering that Washington, Jefferson, and more recent national leaders owe their claim to fame to their records as planners. The broad definition of planning adopted may seem somewhat questionable, but it can hardly be doubted that the approach is an effective one. Though the author has served primarily with local planning authorities, his interest in this book is concentrated on the broader aspects of planning. He remarks in passing that "city planning in the United States is largely replanning, but the transformation of our cities will remain a hopeless task until ways are found to finance rebuilding of dwellings and other necessary improvements," adding that "this is a national problem."

Mr. Rodgers does not regard most of the peacetime planning efforts as too effective. In the case of the administrations of Franklin D. Roosevelt, he comments: "However necessary and well intentioned, the improvising of the New Deal, and much of the planning, was unscientific and badly organized and administered." Yet he maintains that "the same President and Administration were responsible for the war planning, which was highly scientific, nonpartisan, and marvelously organized." Over-all master plans are more or less disposed of as foreign to the United States and more appropriate for totalitarian states.

Certain of the conclusions which are most pointed go beyond what would ordinarily be included in a discussion of planning. Moreover, they are frequently thrown in as *obiter dicta* without detailed explanation or comment, and hence lose much of their force despite their provocative character. Thus the aviator is of the opinion that "our federal form of government, despite its manifold advantages, leaves much to be desired." State sovereignty is viewed as a "serious obstacle to individual well-being on farms and in urban communities." "Most 'planning' by states represents efforts to secure competitive advantages over other states, or from the country as a whole."

HAROLD ZINK.

DePaul University.

The Life of Neville Chamberlain. By KEITH FEILING. (London and New York: The Macmillan Company. 1946. Pp. ix, 475. \$6.00.)

Shortly after the death of Neville Chamberlain, his family asked Professor Keith Feiling to prepare a biography from the private papers of the dead statesman. Not having known Chamberlain, Feiling worked almost exclusively from the voluminous diaries and family letters placed in his hands. Whenever possible, he lets Chamberlain speak for himself. The result is one of the most interesting biographies of the year. It is not definitive, of course, since much more material must be made available before anything final can be written. But it throws a flood of light upon Chamberlain as man, as political leader, and as the unsuccessful architect of peace.

By far the best feature of the book is the light it throws upon the character and personality of its subject. The keynote is integrity, a "literal never-failing integrity which . . . was seen in the exact correspondence between intimate thought and public deed." We see, too, the surprising breadth of the man's interests and reading, which included not merely Shakespeare, whom he quoted on great occasions, but also music, science, and above all the healing world of nature. It is well, too, that Chamberlain's strongly social outlook is stressed. Not only in local administration, where he was a great success, but also in the national arena, there was a Radical cast to his mind, natural in a son of Joseph Chamberlain, a sympathy with labor and a good record in social legislation. He was really daring and far-sighted in such fields as housing, a successful Health minister, and a good Chancellor of the Exchequer.

Many passages in the diaries and letters help to explain the steady rise of Chamberlain to the leadership of his party. He was tireless as an organizer, a sedulous student of political tides, and loyal both to his leader and his associates. As prime minister, these qualities expressed themselves in his careful preparation of cabinet business and his willingness to help ministers meet their responsibilities as departmental heads. After the passiveness of Baldwin, there must have been something refreshing to colleagues in his willingness to give a lead in all phases of government business. But he was unduly self-confident and too prone not merely to advise but also to manage everything. The connection of this defect with the conduct of foreign affairs from 1937 to 1939 is obvious. So, too, is another weakness (in a politician at least)—excessive loyalty to associates.

In the chapters on foreign policy, Professor Feiling seeks to destroy what he calls certain legends. He shows that Chamberlain was a loyal supporter of sanctions against Italy until their failure was evident. Nor has he any difficulty in absolving him from the charge of sympathy with the Nazi régime or of impeding the rearmament of England. In reality,

Chamberlain had a typically Victorian detestation for Nazi irrationality and brutishness; while he was urging the restoration of military strength upon reluctant colleagues as far back as 1934. Indeed, a keen sense of the importance of power for policy was one of the principal reasons why he went to such lengths to avoid war in 1938. Professor Feiling is least happy, perhaps, when he seeks to answer criticisms of Chamberlain's Russian policy. It is not enough to show that he did not "ignore" Moscow, or that he was free from the motivations of crude class interests. And he leaves us still wondering why a shrewd and sincere man clung so long to the belief that the expansionist lusts of Nazi Germany could be subdued by a policy of appeasement only doubtfully applicable even to the ordinary quarrels of ordinary states. But this is something that will long be debated by students. In the meantime, Professor Feiling has written a distinguished book, one which every student of politics will profit from reading.

THOMAS P. PEARDON.

Barnard College.

The Swiss and United States Federal Constitutional Systems; A Comparative Study. BY MYRON LUEHRS TRIPP. (Paris: Librairie Sociale et Économique. 1940. Pp. 247.)

Comparing Swiss and American political institutions was a most fashionable exercise among political scientists a generation or so ago. Those were the days when the institutions of democracy were still suffused with an aura of idealism and some of the more romantic historians, both in this and other countries, were finding democracy's roots in the Swiss *landsgemeinde* or in that institution's alleged lineal ancestor, the Teutonic folk-mote. To find that comparative exercise being repeated in these sterner and more sophisticated days when totalitarianism has rubbed at least the sheen off the democratic ideal is, to say the least, somewhat surprising. Some, perhaps, will find Dr. Tripp's emulation of Bryce, Lowell, Brooks, Vincent, and others a mere excursion among the cobwebs of political ideology, or, to change the figure, somewhat of an inventory of political furniture on which dust will soon begin to accumulate if it has not already done so. Others, despite the author's rather uninspired style, may be moved by a reading of the volume to experience a certain nostalgia for the days when the initiative and referendum were being offered as the cure-all for the ills of democratic society and federalism was still regarded as a constitutional principle and not as a principle of administrative devolution. And having been so moved, the volume may even give these readers a certain emotional reassurance about the future of democracy and its inherent vitality. Such a result is especially likely if the reader will bear in mind that the contents of the book were prepared as a dissertation by an obviously brilliant Ph. D. candidate who was born

when the first World War was ending, that this dissertation was accepted by a professor at the University of Zürich in the very heart of what was at the time "Hitler's Europe," and that it was subsequently printed in English and published at Paris in 1940 at the very time when the Maginot Line was being flanked.

The circumstances of its manufacture and publication will explain and excuse the book's many physical flaws, particularly the misspelled words which interlard the text on every page and the occasional structural imperfections of a more serious nature. There are other shortcomings for which the author must bear more direct responsibility. For one thing, despite the physical limitations of space, he has frequently fallen victim to the temptation to become encyclopaedic, an understandable weakness in an undertaking of this type, but productive of results not altogether salutary. One such result is the interspersing here and there in the text of a variety of trivia that ought better to have been reserved for the pages of a statistical almanac or some text-book or manual. Still another result is a serious abridgment of opportunity for adequate interpretative and analytical comment when such comment was necessary to the author's own reputation for impartial and discriminating judgment. Had he been less insistent upon covering ground, he might, for example, have provided a more balanced view of the American Supreme Court's exercise of the power of judicial review (p. 55); or he might have supplemented the quite inadequate statement on p. 222 that in both Switzerland and America "a law may abrogate a treaty."

These defects make the reader's task somewhat laborious, so much so that they may well dissipate that potential nostalgia to which reference was made earlier. Nevertheless, the specialist who persists will find much that is new and of value. The selection of basic reference works in the bibliographical appendix indicates that the author is quite as familiar with Swiss as with American constitutional jurisprudence and politics, and this familiarity is occasionally reflected in astute observations on the actual operation and administration of institutions common to the two countries. He has, moreover, rendered students a service by his comparative survey of the interbellum development of such institutions as emergency legislation, the ordinance powers of the executive, and other phenomena usually associated with so-called "crisis" government. Equally valuable are his comments on the centripetal influences currently being exerted on the federal structure of the two countries and his comments on the evolution of political parties. Attention should be called also to his first chapter on the ideological influences of American experience upon the various Swiss constitutions. Here he has unearthed a great deal of fugitive literature not normally available to the researcher, and the

result is the most authoritative work on the subject yet seen by this reviewer.

Undoubtedly as America develops her destined rôle as a world power in the twentieth century, and the diplomatic and military responsibilities incidental to such a rôle begin to manifest their effect upon her domestic institutions, the constitutional structure and political experiences of these two historic federal republics will begin to diverge rather sharply. But, as Dr. Tripp has made clear, even as late as 1939 there was still a surprising parallelism in the evolutionary paths of their respective systems of government.

ARNOLD J. ZURCHER.

New York University.

French Personalities and Problems. BY D. W. BROGAN. (New York: Alfred A. Knopf. 1947. Pp. x, 241. \$3.00.)

This volume consists of twenty-seven incidental pieces on the subject of modern French life and culture. All of them, it seems—articles, book reviews, and reports—appeared elsewhere between the years 1935 and 1945, and they reappear here “exactly as they were first printed.” Mr. Brogan is erudite, he reveals sharp insight, and his mode of expression is graceful. He writes delightfully of Dumas père, who preached “a morality to France, and a truth about France to foreigners, that has never been less out of date than in this iron age.” He recalls M. Georges Duhamel’s remark to the effect that prior to World War II France appeared to be abandoning not only the Maginot line, but the Descartes line as well, and adds that “she also appeared to be abandoning the lesser but important Dumas line, garrisoned by so many lively ghosts.” Holding Dumas to be, not a creator, but an observer and reporter of genius, Mr. Brogan believes that “the spirit of d’Artagan and Planchet was bound to be reincarnated, at a much darker hour . . .” This essay on Dumas was written in 1942; it stands first in the collection and serves to suggest the running thesis of all the essays, namely, the rebirth of a strong and glorious France out of the gold of brave tradition and the ashes of disaster.

Mr. Brogan writes of the strength and weakness of France, of the spirit of the French Revolution, of French nationalism, of Barrès, Marcel Proust, Maurras, Clemenceau, de Gaulle, and Darlan, to mention but a few of the subjects of these essays. In “The France We Need,” he asserts that the France Europe wants “and Europe needs, is a France that has not renounced 1793 or 1789, that is prouder of having destroyed the Bastille than of having built it.” He anticipates (this was in 1943) a time when Paris will become a “volcano of light” (Victor Hugo) for a free and united Europe, when France will be restored to Europe as “the chief

teacher of the amenities of life—and of the dignity of man.” “Neither we nor any non-French power” he says, “can decide whether such a France is to come to life or not. But we can very easily make its birth difficult and dangerous. If we do, we shall not have to live very long to live to repent it.”

Students of France will find much of value in these essays, particularly as English interpretations of modern French thought, movements, events, and personalities. Altogether there is a degree of comprehensiveness incorporating the larger aspects of French life—political, social, and psychological. However, some of the essays are dated, and some give the impression of having been produced with speed and under the tension of a mighty struggle. Though there is a connecting theme, there is a troublesome disjointedness and oftentimes a dissatisfying brevity. Excellent as it is, this work is not to be compared with Mr. Brogan’s earlier *Government of the People* and *The Free State*.

Having left the texts as they were originally printed, there is, as Mr. Brogan notes, “inconsistency and repetition,” but the alternative, he says, was “submission to the temptation to display hindsight.” This reviewer sees no objection to the alternative, and Mr. Brogan would have been forgiven had he been tempted; for what is the writing of history, and much of this is history, but the everlasting display of hindsight, of evaluation and reevaluation.

Mr. Brogan, to his credit be it said, offers these essays for what they are, and as such they are penetrating, earnest, and absorbing.

C. GORDON POST.

Vassar College.

French Labor; From Popular Front to Liberation. BY HENRY W. EHLMANN.
(New York: Oxford University Press. 1947. Pp. xxi, 330. \$4.00.)

It must be a rare student of political science who makes any study of French practical politics without feeling fascinated by observance of their deep-running currents and their deep-cut issues. French politics, not without reason, are commonly regarded as being exceedingly complex. So far as the period of the last dozen years or so is concerned, the disastrous defeat of France at the hands of the German armies has of course been a highly complicating factor. Among the large number of books and other writings concerning various aspects of French affairs in the period, Dr. Ehrmann’s monograph is one of the exceptional few that seem to proceed from a sure and steady hand. Exceptions aside, the typical writings display little genuine apprehension of the nature of the political, social, and economic factors involved; or, where some effort is made to appraise these factors, the result leaves much to be desired because concern is

had for the fact of the French disaster rather than for its nature and extent. In all these respects, Dr. Ehrmann's book on organized labor in France is, it may be repeated, distinctly exceptional.

Dr. Ehrmann's treatment of the French labor union movement covers the momentous decade 1934-44. This decade he divides into three periods. The first, which begins a week after the February riots of 1934 with the general strike sponsored by the Reformist and the Communist national labor confederations (CGT and CGTU), ends with the outbreak of war in September, 1939. The highpoints in this period were, of course, the fusion of the two labor confederations, the victory of the Popular Front, the subsequent uncertainty centering around appeasement, and at the end the exclusion of the Communists from the united confederation. The second period covers the short time of the "phony war" and the shorter time of actual combat. There are made to stand out the character and the distressing results of the position of organized labor during these months, with the importance of the CGT diminished and its potential accomplishment limited by the break with the somersaulting Communists and by dissensions within the ranks of the remainder between the "classical" elements and the friends of *syndicats*. The third period extends from the armistice to the liberation, during which time, though certain leaders and elements of the CGT became collaborationist, the body of organized workers grew in numbers and in solidarity and through resistance achieved regeneration.

In connection with all three divisions of the decade studied by Dr. Ehrmann, the development of organized labor is treated with rare competence in terms of, or against the background of, all important considerations, including such things as the political and social situation, the legislation passed on labor and on kindred subjects, the relations between labor and management, and the position of the Catholic unions. The solid documentation of the volume is abundantly evident, note references, collected at the end, running to thirty closely packed pages. Of three appendices, one consists of the preamble to the Statutes of the CGT adopted by the Congress of Unification at Toulouse in March, 1936, a second contains the text of the Matignon Agreement, whereas the third gives certain statistics with respect to increase in membership from 1936 to 1937 of federations affiliated with the CGT. The author stresses the reluctance with which, because of the somewhat sparser sources, he writes of the Vichy period; but this is a case of scholarly caution and modesty. Throughout the volume, the knowledge is mature and sure. There is complete absence of bias in the bad sense of the word. At the same time, the treatment is far from colorless. The importance of the subject is assumed from the beginning; and an eminently fair account of accom-

plishments and of obstacles to accomplishment contains implied but definite judgments. Dr. Ehrmann has come close to writing a model monograph.

University of Virginia.

ROBERT K. GOOCH.

The Problem of War in Nineteenth Century Thought. BY EDMUND SILBERNER. (Princeton: Princeton University Press. 1946. Pp. xiv. 332. \$3.00.)

This work, initiated under Professor Rappard at Geneva and completed under Professor Earle at the Institute of Advanced Studies at Princeton, is correctly described on the cover as "a sober consideration of the relationship between war and economics as reflected in the history of economic thought of the 19th century." To a reviewer who is not an economist, it seems to be a thorough job; it obviously meant much study of the writings of the various economists. The analysis is careful, and the presentation is clear. The translation into English is excellent. The study is divided into three books, dealing with the Classical School, the Protectionists, and the Socialists; and in a final chapter the author sums up the results of his investigations and concludes that war is too complex a matter to be solved by any one economist, certainly no one of them as yet having found the answer.

To the liberal economists, war was a phenomenon socially and economically harmful; it was not only immoral, but stupid. Malthus pointed out the relationship between the misery of the masses and war; James Mill regarded war as the cause of human misery. Free trade, this group argued, creates the ideal conditions necessary for peace, and was bound in the end to triumph. No international organization was needed, they thought; free trade was in itself a sufficient solution for war, provided economic knowledge was sufficiently diffused. The author regards this viewpoint as exaggerating the importance of the economic factor: free trade may help to diminish war, but war may even yet be profitable. He notes also the inconsistency that, according to these writers, the state is needed, but international organization is not; if free trade can make the latter unnecessary, why can it not also make the state unnecessary? (p. 284).

The protectionists, on the other hand, argued that war is a struggle to real advantages, and denied that war is always unprofitable. They regarded war as inevitable and asserted that it was foolish to disarm. Free trade, they said, is advantageous only to those having industrial strength, and protectionism, said List, is a means by which younger countries may strengthen their industrial production; it is indeed a form of war itself. The protectionists regarded the state, rather than the world, as the economic unit; protectionism worked for national consolidation and not for internationalism.

The socialist school regard war as anti-social, whether from a moral or an economic viewpoint, and beneficial only to a few privileged groups. They differ from the other two groups in regarding war as the consequence of a vicious social order, founded on the rotten basis of the institution of private property (p. 288). If this institution could be eliminated or brought under drastic control, there would be no need for war, or for an international organization to control war. The author regards this as "more than doubtful," since economic misery is not the only cause of war; but he credits the socialists with emphasizing the important point that the suppression of war depends upon the advance of economic justice.

The author thinks that peace can be secured only through federal union, but he suggests that the economists have brought out the following lessons which must be learned; (1) the more freedom of trade the better; (2) the weaker countries will not be content with industrial weakness, and their industrialization cannot be achieved outside world federation; and (3) international federation will fail unless it can advance economic security for individuals.

CLYDE EAGLETON.

New York University.

The Great Challenge. By LOUIS FISCHER (New York: Duell, Sloan and Pearce. 1946. Pp. 346. \$4.00.)

This book is partly a journalist's diary, partly an attempt to demonstrate with what monotonous regularity the author has been able to call the turn in world affairs, and partly a prescription for the world's ills. Mr Fischer is most successful in the first and least successful in the third.

He reports on his recent foreign travels and conversations with the great and the near great in the United States, Britain, and India. As usual, his reporting is vivid and discriminating. It deserves the attention of the political scientist who cannot himself go to the same countries or converse with the same men. There are no new conversations reported with leaders of the country Fischer knows best. He has paid the penalty which the journalist of integrity so often pays if he reports faithfully what he sees in a dictatorship. He is no longer welcome in the Soviet realm.

Whether it is because "Russia is caught in the contradictions of Socialism in one country (p. 207)" or because "the Revolution succumbed to the Tsarist past (p. 200)," the fact is clear to Fischer that Russia has gone imperialist. Fischer hates Russian imperialism and says so. He hates British imperialism, too, but is fair enough to point out that in India one meets everywhere men who have been in British jails, whereas in a dictatorship these men would either be dead or still in jail. So far, so good.

When Dr. Fischer tells us how to nurse our sick world back to health, the language he uses is more hortatory than helpful, more provocative

than penetrating. For example: "Every resentful Asiatic is a Russian asset against England and America, and the West generally. The West should abandon imperialism because it is evil, and bad for the moral and material interests of the West. But if the Western powers are too obtuse to understand that, then they will act under the impact of the great Russian challenge (p. 283)." "The great challenge of our time is to adjust the way we live to the way we could live if we took advantage of our mechanical and technical progress (p. 118)."

"The old game of power politics is immoral and leads to war (p. 146)." "If the liquidation of the British Empire had been the first foundation stone of peace, it would have been easier to stem Russian imperialism and to inhibit trends toward American imperialism (p. 167)." "If there were a federal government of the world there would be no war . . . Man's choice is world government by will power or world government by war power (p. 173)." "I oppose alliances and spheres of influence because they are neither moral nor practical (p. 178)."

"The key to peace in the atomic age is Big Three respect for small countries and independence for colonies (p. 181)." "The Big Three, however, permitted the numerous little ones nothing more than 'consultation' and 'discussion.' Among the Three, moreover, one could veto two. One, therefore, could dictate to the world. This is the ultimate in nationalism and the minimum in internationalism (p. 251)."

"It is desirable that the British grant independence to their colonies. With an effective United Nations to protect them, those colonies would gradually develop and cease to be objects of international rivalry (p. 282)." "My own attitude is that England should liquidate the Empire, Russia should not acquire an empire, and America should not aspire to empire. Then war and threats of war would cease (p. 325)." Happy day!

WILLIAM T. R. FOX.

Yale Institute of International Studies.

The Finances of European Liberation. BY FRANK A. SOUTHARD, JR. (New York: King's Crown Press. 1946. Pp. ix, 206. \$3.00.)

Professor Southard's volume is a genuine contribution to an understanding of the use of military and other currencies in occupied and liberated European countries, and to an understanding of the many financial problems which exist in countries uprooted by war. The volume touches upon the main areas of finance: currency policy and procedure, public finance, private finance, foreign exchange, and inflation. The chapter devoted to military currency policy and procedure is the most informative in the book and throws much light on a subject that has been confusing even to students of finance. The types of military and other currencies employed by the Allies in occupied and liberated countries are described

clearly, as are the reasons for their use. Experience in the use of the various types of currencies and the problems that were encountered in the several countries are related, and a critical evaluation is made. Southard concludes that, "taking it as a whole, Allied currency policy in Europe was adequate in conception and properly executed. It conformed to accepted international law. It was designed to respect the policies and wishes of the governments in liberated areas, and to bear as lightly on financial structures of liberated and conquered countries alike as was consistent with the prosecution of the war. The primary purpose was achieved: to supply the Allied forces with funds and to assure an adequate circulating medium in the countries in which they operated." The author nevertheless indicates several points of weakness in the currency policy which, if they had been avoided, would have left fewer problems for the future.

The other financial problems dealt with are familiar to students of finance. The financial consequences of public and private expenditures at peak levels, of acute shortages of commodities, and of severe dislocations in economic systems, are evident in every war period. Southard traces the events, describes the problems, and indicates the consequences of the financial dislocations, excesses, and breakdowns. His discussion has the merit of being based on much first-hand observation and information.

Southard is acutely aware of the financial and economic problems which beset war-torn Europe. He knows that heroic measures will have to be taken to restore even a semblance of stability. And in the accomplishment of stability the rôle of government will have to be great. While the Fascist system in Italy, for example, has been destroyed, the highly centralized machinery for economic and social control which the Fascists erected cannot be abandoned. "The Italian economy has traveled a long road since the March on Rome, and to turn back toward lightly regulated competition would be difficult under conditions of plenty, and is probably impossible under the conditions that exist. The Italian government must find ways to mobilize capital, to finance imports, to allocate acutely-scarce materials and equipment, to determine what industries need first to be rehabilitated, and so on. There is virtually no prospect that private enterprise, weakened by twenty years of Fascism, can do so. Whether at some point in the process of recovery and stabilization, state control will begin giving way to private, remains to be seen. It is the author's opinion that the Italy of tomorrow, like that of yesterday, will have a state-dominated economy."

In the opinion of this reviewer, it does not require great acumen to realize that state control such as Southard envisages not only will be continued in Italy, but will be extended to many, if not all, of the European economies.

NATHAN L. SILVERSTEIN.

Indiana University.

The United States and the Near East. BY EPHRAIM A. SPEISER. (Cambridge, Mass.: Harvard University Press. 1947. Pp. xvi, 263. \$2.50.)

Dr. Speiser's book is careful, thoughtful, and timely. Perhaps not everyone will agree that the Near East is "the global center of gravity" (p. 236) or that history and geography "have ordained the region to be the main proving ground of the new world order" (p. 167); but none can deny that it is "the scene of converging—and often conflicting—interests of all the major powers of today" (p. 18).

Notice must be taken of the author's unusually narrow application of the term "Near East." He includes only Egypt and the lands in Asia where Arabic is the prevailing language: Syria, Lebanon, Palestine, Saudi Arabia, Yemen, Transjordan, Iraq, and lesser areas in Arabia. Again, only the last eighteen pages of text are precisely on the subject of the book: the relations between the United States and the Arab Near East.

Within these limitations, the book is valuable from beginning to end. The first half, including a discussion of the geography of the area, its cultural background, and an outline of its history to date, is admirable for its selection, organization, and clear direct presentation of pertinent facts. The second half, "problems of the present and the future," is not so close-trimmed and compact, but it also shows excellent organization and effective climacteric treatment. The whole book is a frank, honest exposition of events and conditions, with refreshing freedom from propagandist special pleading.

Since most of the general histories used by the English-speaking public for school and private reading practically omit the Arab East after the first century of the Muslim conquests, Dr. Speiser's book can clarify almost everybody's understanding of some very acute present-day problems. It might well be read most carefully by the current crop of statesmen before they go further with delicate negotiations that can involve serious blunders. Questions concerning specifically Greece, Turkey, and Iran are indeed excluded by the plan of the book, but other disturbing subjects, such as the future of Palestine, the destination of Near Eastern oil, the use of the Suez Canal, the routes of long-distance airlines, and the means of constructing "a democratic, prosperous, and independent Near East" (p. 227) receive helpful consideration.

Dr. Speiser's vision of the future Arab East differs importantly from that now seen in Washington. He says that "automatic American support of British policy in the region tends to increase tension to the explosive point" (p. 231). Regretting that the number of Great Powers with stakes in the Arab East has been reduced, he believes earnestly in a balance of fully independent power among the three that remain: "three or four evenly balanced rivals meeting on common ground have among them all the elements that make for a society which must coöperate in order to survive" (p. 167).

Those who, like the reviewer, retain hopes for permanent peace, not through balancing of forces, but through coöperative efforts, cannot but be distressed at Dr. Speiser's certainty that the United Nations is not now nor can be soon "an effective international body" (p. 218). He is probably right in believing that only such a body can solve the problem of Palestine, but why not also the problems of the freedom of Greece and the security of the Dardanelles, the Suez Canal, and Gibraltar? Why cannot the United Nations supervise the use of Near Eastern petroleum in a way that is fair and salutary not only for the peoples in whose lands it is found, but also for the peoples of America, Britain, Russia, France, and the other countries of the earth? Until now, the "balance of power" has regularly led to general war. Also for some four hundred years Britain has taken, in such a war, the side that was at the outset weaker. Was not the United Nations created to supersede, among other dangerous doctrines, that of the "balance of power?"

The author's discussion of "personnel" (pp. 232-235) is decidedly apropos, but remains incomplete. Referring to the "insolvency of our present policy" in the Arab East, Dr. Speiser argues convincingly for the training of a considerable number of able specialists in the area, who will not be transferred over the world in random fashion. Such persons, he believes, cannot be trained in private institutions, nor in schools "sponsored by commercial interests, missionary interests, nor the present interests of the State Department" (p. 234). But he leaves the reader no more positive guide to the location and plan of such effective training than a feeling of certainty that this work is being done intensively by Britain and Russia.

The book has good maps showing the general terrain (end papers), proposals for the partition of Palestine, and oil concessions; it has also intelligent suggestions for reading and an adequate index.

ALBERT HOWE LYBYER.

University of Illinois.

China. EDITED BY HARLEY FARNSWORTH MCNAIR. (Berkeley, California: University of California Press. 1946. Pp. xxxv, 573. \$6.50.)

This symposium, the fifth volume in the United Nations Series under the general editorship of Professor Robert J. Kerner, is a matter for congratulation to all concerned: to the editors, both general and special; to the contributing authors; to the directors of the University of California Press; and, last but not least, to those of the reading public—may their number be great—who take full advantage of its many-sided approach to the history and culture of the Chinese people.

The thirty-four chapters of the book, contributed by thirty-two writers, are organized into a well-integrated pattern. Part One—"Backgrounds"—consists of three chapters: "Molding Forces," "Dominant Ideas," and "Some Revelations of Recent Excavations." The nine chapters of Part

Two—"Historical and Political Development"—take up, in order: "Antiquity: To the Fall of Shang," "The Greatness of Chou," "From the Fall of Chou to the Fall of T'ang," "From the Fall of T'ang to the Fall of Ch'ing," "Chinese Society and the Dynasties of Conquest," "The Republic: Phase of War-Lordism," "The Republic: Phase of Resurgence," "The Social Revolution," and "International Relations: The Twentieth Century." Part Three—"Philosophy and Religion"—covers these aspects of China's cultural history in eight chapters: "Chinese Thought," "Folk Religion," "Confucianism," "Neo-Confucianism," "Taoism," "Buddhism," "Christianity," and "Trends in Contemporary Philosophy." Part Four—"The Arts, Literature, and Education"—has ten chapters dealing with: "Calligraphy, Poetry, and Painting," "Art," "Architecture," "Drama," "Traditional Literature: Nature and Limitations," "Letters and Arts in the War Years," "China: A Frontier in American Literature," "Modern Education," and "China's Examination System and the West." The three chapters of Part Five—"Economics and Reconstruction"—treat of "Economic Development," "Agriculture," and "International Trade." Part Six—"Retrospect and Prospect"—closes the study with a single chapter on "China Among the Nations."

As could reasonably be expected, the contributions are marked by wide diversity in style and treatment. Some of the historical chapters, e.g., those by Professor Goodrich on "Antiquity" and by Professor Wittfogel on the "Dynasties of Conquest"—are broadly interpretative, while others—such as Professor Teng's "From the Fall of Chou to the Fall of T'ang" or the editor's own treatment of "The Period of War-Lordism"—are almost too factual for easy reading. Three of the Chinese contributors—Dr. Hu Shih, Professor Teng, and Mr. Chiang Yee—differ sharply among themselves in their evaluation of Buddhism and its influence upon China's cultural growth. Professor Linebarger, writing on "The Republic (1928-1946)," and Miss Smedley, in her chapter on "Social Revolution," cover substantially the same ground, but with divergencies in interpretation that may easily bring utter bewilderment to a reader who is seeking for "authoritative" truth.

To the serious student of China and things Chinese, however, these divergencies and differences will be of positive value. "China" is a civilization to be viewed from many angles and weighed in many balances, not a subject that can be wrapped up in a neat little package or a problem to be solved according to a carefully drawn blue-print. For those to whom this volume opens up a new appreciation of Chinese history and Chinese civilization, a Selected Bibliography of some four hundred titles—prepared by "Chan Wing-tsit and others"—offers almost unlimited opportunity for, and temptation to, additional serious study.

G. NYE STEIGER.

Simmons College.

The Chrysanthemum and the Sword. BY RUTH BENEDICT. (Boston: Houghton Mifflin Company. 1946. Pp. 324. \$3.00.)

In June, 1944, when the United States faced the early prospect of the invasion of Japan, and when it had become imperative that we understand the enemy's behavior in order to devise means of dealing with it, Ruth Benedict was called upon to use all the techniques of the cultural anthropologist in an effort to comprehend Japanese habits of thought and emotion and the patterns into which these habits fell. As a war assignment, the task was the more difficult because of the pressure of time and because "there were violent disagreements among those [in America] who knew the Japanese best." What began, however, as a war assignment, now appears as an even more vital addition to our literature on the peace.

Fundamental in the suggestions that emerge from this study is the concept that the building of a durable peace between East and West is not a matter of what the West, represented by the United States, has the power to impose on the defeated enemy. "If what Americans want is, as they say, a self-respecting Japan, they will have to recognize her bases for self-respect" (p. 150). Easy solutions are thus out of the question; for, as Mrs. Benedict so ably demonstrates, Japanese historic bases of self-respect are not ours, yet they are as valid to the Japanese as ours are to us. To cite merely one example of many, it is especially important for Occidentals to recognize "that the 'circles' into which the Japanese divide life do not include any 'circle of evil.' This is not to say that the Japanese do not recognize bad behavior, but they do not see human life as a stage on which forces of good contend with forces of evil" (p. 197).

It will perhaps be equally difficult for Americans to understand the Japanese point of view that virtue does not consist in fighting evil. Japan has no theology which teaches the doctrine of the "Fall of Man." Her ethical code, which requires "extreme repayment of obligations" and many "drastic renunciations," nevertheless does not condemn self-gratification through the senses so long as these gratifications are kept within proper limits. Indeed, the Japanese have cultivated "the pleasures of the flesh like fine arts, and then, when they are fully savored, they sacrifice them to duty" (p. 178). Contrary to what Americans have often inferred, this is not a code of self-indulgence and license. And in this respect it should be noted that in Japanese eyes the American ideal of the pursuit of happiness is "an amazing and immoral doctrine. Happiness is a relaxation in which one indulges when one can, but to dignify it as something by which the state and family should be judged is quite unthinkable" (p. 192).

In general, Mrs. Benedict has high praise for the American administration of Japan since VJ-Day. In the Japanese scheme of things, she finds that a policy of good faith was likely to pay off well, since "in Japanese eyes it removed from the stark fact of defeat the symbols of humiliation and challenged them to put into effect a new national policy, acceptance of

which was possible precisely because of the culturally conditioned character of the Japanese" (p. 299).

Democracy, Mrs. Benedict finds, is possible of achievement since the Japanese have an ethic of alternatives. Their training has conditioned them to accept changes of direction. But she warns that we must expect them to modify the methods upon which we rely to achieve democracy. If militarism is a lost cause, the Japanese will forsake it. They have the saying: "It is no use biting one's navel." Against this Japanese capacity "to change direction," it is well to remember that "when the Japanese believe themselves humiliated, revenge is a virtue" (p. 307).

The Chrysanthemum and the Sword is a study of the utmost importance and a testimonial to the scholarship and literary skill of the author.

PAUL H. CLYDE.

Duke University.

Japan, Past and Present. BY EDWIN O. REISCHAUER. Foreword by Sir George Sansom. (New York: Alfred A. Knopf. 1946. Pp. x, 192, xiv.)

Here in the brief compass of slightly less than two hundred pages, or about sixty thousand words, is an excellent, well balanced, readable summary of Japanese history. It is by an expert who is familiar with the sources and the secondary works, and so brings together what is known of the past of Japan. It is for the novice rather than the specialist. It presents few new views or novel interpretations, but rehearses in competent, sober fashion what is already familiar to those acquainted with the land. It reduces Japanese proper names to a minimum, yet without omitting the most important. It thus at once avoids bewildering the amateur with a multiplicity of strange terms and gives him those which are really significant. Approximately three-fifths of the space is devoted to the long span of the centuries before the coming of Perry, and about two-fifths to the slightly less than a century since that event. The main emphasis is upon political developments, but attention is paid to other phases of culture. Excellent maps uncomplicated by superfluous names and physical features, supplement the text. For a brief, introductory survey of Japanese history, either for the somewhat hypothetical general reader or for brief courses in high school or college, Dr. Reischauer's book is unexcelled.

It is a rare book in which the reviewer cannot find something of which to complain, either in fact or in emphasis. Thus (p. 90), the statement that after the revolt of 1637-38 "Christianity ceased to exist as an organized religion in Japan" is misleading. Christianity no longer had a priesthood, but Christian villages persisted, somewhat surreptitiously, each normally organized around two leaders, until with the reopening of Japan in the nineteenth century they once more came to light. The part of Theodore Roosevelt in the Treaty of Portsmouth seems somewhat exaggerated

(p. 139) in an allusion to "the peace arranged in 1905 by President Theodore Roosevelt." In a book which will be read chiefly by Americans, one could wish that more attention had been paid to relations between the United States and Japan, especially the long-standing friction which led to Pearl Harbor and the steps by which the United States now finds herself the dominant power in Japan. Moreover, the optimism concerning the future of Japan which characterizes the last chapter is encouraging, but seems scarcely to take account of the many grave problems which confront the nation.

A commendable feature is the lack of rancor against the Japanese. Coming so soon after the War, the book might well have been strongly anti-Japanese. It does, indeed, point out the main stages by which the extremists led Japan to war, but in general it is objective and is even sympathetic with the rank and file of the Japanese.

KENNETH S. LATOURETTE.

Yale University.

The Conqueror Comes to Tea. BY JOHN LACERDA. (New Brunswick, N. J.: Rutgers University Press. 1946. Pp. 224. \$2.75.)

Within the next few years, books concerning the occupation of Japan and of Germany will be appearing on the market. The soldiers, experts, and correspondents will have their say. One of the first to appear, covering Japanese occupation, is John LaCerde's *The Conqueror Comes to Tea*.

Through some 224 pages, Mr. LaCerde explores Japan under occupation in hit-and-miss style, passing from the war trials ("They Call Us Cheats") to the amorous behavior of occupying personnel (Love Without Kisses"). This is a written account of the inquiries and impressions of a correspondent somewhat familiar with the Japanese scene—an account which benefits from the inquiring method which is the newspaper man's advantage.

But this report is reminiscent of partially-documented "bull sessions," the like of which can be heard, though not read, in any of a number of officers' clubs throughout Japan. General discussions may be interesting, but they are not always accurate. This is true of Mr. LaCerde's book.

For example, on p. 46 ff, the "knotty problems of the occupation" are exemplified by "the case of the one-time Kempei Tai sergeant." The story explains that "the Kempei Tai sergeant" occupied the position of chief liaison man between the army and the Japanese. "Things were confused; orders weren't carried out . . . One time Kempei was hauled away to jail. Conditions immediately improved." The only trouble with this example is that it is untrue. (The reviewer was a military government officer at the prefectural capital where the event took place.) The chief of the Liaison Section (Japanese) was not a former sergeant in the Kempei Tai; he was not "hauled away to jail"; he still holds an important position

in the Nagano prefectural administration. It is true that there was misunderstanding and confusion under this liaison chief's direction, but both the cause and the effect of the confusion require more careful analysis than has been presented by Mr. LaCerde, especially considering the falsification of the facts resulting from the acceptance of "facts" from a source which, in this instance, was uninformed.

The occupation of Japan is a serious and important duty of the Allies—one founded upon the idea that a defeated nation may be molded into the forms necessary to enable it to take a place in the family of nations. Books such as *The Conqueror Comes to Tea* fail to dig at the roots of the job to be accomplished.

Read as a fact-and-fiction commentary on Japan, 1946, the book has some interest-value. But the reading public deserves more than a surface scanning of the Japanese occupation. A balanced and factual account may be produced in the future; Mr. LaCerde's attempt does not qualify.

RICHARD L. PARK.

Harvard University.

The Social Effects of Aviation. BY WILLIAM FIELDING OGBURN. (New York: Houghton Mifflin Company. 1946. Pp. vi, 755. \$5.00.)

Will airplanes become as numerous as automobiles? Professor Ogburn does not think so. But readers of his new book who are also owners of railway and steamship-line securities will conclude that they probably possess a depreciating asset because of the inroads on the long-distance passenger traffic of these earlier public carriers which air lines are likely to make.

It satisfies logic that Professor Ogburn, who gave us the helpful concept of "cultural lag," should write this book, a pioneering and notable work. It is inspired by the theory that "since there is a time sequence between an invention and its social effects, we should, knowing the invention, be able to anticipate consequent changes." It is an effort to chart the modifications that a fuller development of aviation will introduce into the organization and peacetime way of life of our society. Having undertaken the experiment, Professor Ogburn invites all social scientists to try applying their skill, statistical method, and common sense to the anticipatory evaluation of the institutional adjustments that may occur because of technological advances in other fields, to the end that more effective planning may be undertaken.

Professor Ogburn's new work is really a report prepared at the request of United Air Lines. As such, it marks a trend, in which the University of Chicago has been outstanding, whereby the know-how of the social scientist is applied to research on problems of industrial, financial, and commercial enterprise, and the findings published for all to read.

Professor Ogburn is modest concerning the present possibilities of prediction as to the social consequences of technological change. His report presents an extraordinarily imaginative and inclusive analysis of possible consequences resulting from our newest form of transportation. He is, however, shrewdly cautious in his statements. He seldom attempts exact estimates or precise prognostications, pointing out repeatedly that the "possibilities" and "probabilities" will depend on such interrelated imponderables as pricing, profit, public policy, and consumer-acceptance. Whether dealing with the possible or the probable, Professor Ogburn tends to limit himself to the period of the first and second postwar decades.

The longest section of the book—over four hundred pages—comprises an encyclopedic catalogue of these possible social effects of aviation. In successive chapters, the author inquires into the possible effects on population, the family, cities, religion, health, recreation, crime, education, railroads, ocean shipping, manufacturing, marketing, mining, real estate, newspapers, agriculture, forestry, stock-raising, government, public administration, international relations, and international policies. In connection with each of these topics he presents an amazing variety of data and summarizes an extensive bibliography. In fact, the ambitious scope of the book leads to an elaborate subdivision of subjects within each chapter, with the result that many of the sub-subjects are treated in no more than a brief paragraph. Because of this desire to be inclusive, and because of the interrelationships between the topics, there is considerable repetition. But the presentation is always lucid and of interest to the general reader, even when dealing with technical matters.

Professor Ogburn does not try to evaluate the rôle of aviation in future wars, because "there is so much secrecy in this field, and the technological changes are so rapid and revolutionary, that the author could not make a satisfactory study." Internationalists will disappointedly thumb the volume for assurance that the development of aviation will speed us toward an era of universal love and brotherhood of man. But no such consolation will be found. Rather, Professor Ogburn anticipates that air transport will heighten nationalism, especially in states "with much illiteracy and poor roads," and will promote what he sees as the trend toward large regional organization.

RAYMOND G. MCKELVEY.

Occidental College.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Vice-Admiral Ross T. McIntire (in collaboration with George Creel), in his *White House Physician* (G. P. Putnam's Sons, 1947, pp. 244, \$3.00),

writes as physician and devoted friend of President Franklin D. Roosevelt, and he tells his story because "it would be nothing short of tragedy if Roosevelt the president pushed Roosevelt the *man* out of mind and memory" (p. 10). The President's physician experienced little difficulty in keeping him fit until the war years. The Admiral reports that in the pre-convention days of 1944 he and his consultants found the President organically sound. But, considering the terrific strain the President had been under for years, his doctor watched his heart as a possible source of trouble. Roosevelt's heart never failed. Nor did he, even during his last days, have extremely high blood pressure or advanced general arteriosclerosis, conditions from which cerebral hemorrhage, of which he died, might have been predicted. The Admiral thus, and not without spirit, answers the charge that the President was a "sick man." Admiral McIntire writes of Roosevelt's humor, his human sympathy, his charm (which failed on King Ibn-Saud), his hobbies, and his vision. The White House physician was naturally often on the "inside" of a great deal that went on. He tells, for example, of how nearly the President came to refusing to run in 1940. Immediately following his nomination by the Chicago convention, Roosevelt was furious over the "phony draft" criticism and the reaction to his insistence that Henry A. Wallace be named as his running-mate. Judge Samuel Rosenman, the doctor, and other White House intimates gaped helplessly as he scribbled on a sheet of paper. He threw down his pencil and handed the sheet to Judge Rosenman. "'Put that in shape, Sam' he ordered, 'and give it out. No,' he continued, turning to us, 'I've made up my mind. . . . I'm through. Go on, Sam, and do as I've told you'" (p. 125). The Judge left the room with the paper, but General Edwin ["Pa"] Watson followed him and jerked it from his hand. The members of the inner circle then found their voices and within an hour the President "smiled somewhat sheepishly and admitted that he had gone off half-cocked" (p. 126).—CLAUDIUS O. JOHNSON.

Surprise awaits the reader who encounters *The Future of American Secret Intelligence* (Infantry Journal Press, 1946, pp ix, 120, \$2.00), by George S. Pettee. Sensationalism is anticipated; curtains presumably are to be lifted and mysteries disclosed. Instead, the reader encounters a realistic analysis of the problem of intelligence service on all levels as a phase of future governmental activity and concern. It seems to the reviewer that fresh ground is broken by this little book. The political scientist has in the main not appreciated the exigencies of the military—nay more, has too frequently either disdained them or reprehended them. Hence the impact of Pettee's book is accentuated by the admission of the past sins of the political and social scientist. The book under review is

broken into seven chapters, dealing with the following subjects: the faults and errors of strategic intelligence in the war; war and strategic intelligence; strategic intelligence and peace; impediments to good organization; the management of intelligence; professional doctrine; the place of strategic intelligence in the government. This should suffice to indicate the scope of subject-matter treated by the author. The presentation is direct, simple, and clear. The style is unadorned, yet lucid, and the interest never flags. As an elementary statement of the problem of intelligence within the panoply of governmental functions, this represents an adequate, competent, introduction. That it is elementary is conceded; for a better, larger book could be reared upon its framework. To many readers, the most interesting aspect of the volume will be its analysis of the past record and future rôle of the social scientist in the process of intelligence. It is to be hoped that Professor Pettie's interest in the problem will not cease with this slight dip in the swimming hole.—CHARLES W. SHULL.

Glyndon G. Van Deusen's *Thurlow Weed: Wizard of the Lobby* (Little, Brown and Co., 1947, pp. 403, \$4.00) is not only the biography of a man, but a political history of the more than forty-year period (particularly 1830-70) in which Weed participated actively in state and national affairs. It portrays the rise of a boss to political power and financial wealth on lines characteristic of nineteenth-century America. Weed is thus closely linked with political intrigue in the manipulation behind the scenes of party decisions. He exerted tremendous influence upon the rise of the Whig party in the 1830's, in opposing Henry Clay for the presidency in 1840, and in supporting Zachary Taylor in 1848. One of the most colorful sections of the biography deals with the Republican convention of 1860, in which Weed almost made William H. Seward President instead of Lincoln. There are interesting character studies of prominent political and business figures of the day. While there was no break in the long personal and political alliance with Seward, Weed was always alert to block the political advancement of Horace Greeley. Weed "hobnobbed with bank presidents and railroad presidents and solid, wealthy merchants, with speculators and lobbyists and short-arm boys." He not only influenced the course of legislation for compensation (the first to practice lobbying on a "scientific" basis), but was "quick to seize upon many of the opportunities for profit that the [Civil] War presented. Even as he strove to aid the cause of the Union, he was seeking to make a fortune." To the author, Weed was a keen observer of the issues of the times, who, however, "consistently underestimated the moral fervor that derived from making a crusade against slavery an avowed objective of the War." The reviewer notes with interest that, as journalist, Weed in 1846 recommended lower-

ing the voting age in New York to eighteen. The author succeeds in telling Weed's story with a high degree of fairness and impartiality.—BELLE ZELLER.

In her fifth study of "The Legislative Process in Alabama," Professor Hallie Farmer has investigated *Legislative Costs* (Bureau of Public Administration, University of Alabama, 1947, pp. 25). Chiefly for the period 1940-46, the costs assessed are, first, per diem and mileage payments to legislators; second, direct payments for legislative help; and third, incidental expenses such as stenographic service, printing, wire communication, and postage. This project is significant from two viewpoints. It makes known data about costs. This is the kind of detailed work which has to be done on a constantly wider scale in order to supply the facts basic to an understanding of American institutional life. Dr. Farmer makes clear that finding the costs was not always possible in the present case, partly because of inadequate records, and partly because expenditures were frequently not segregated as to their objects; and it becomes evident also that certain costs were difficult to determine because legislators wanted to make expenditures which were forbidden by the state constitution. The study is significant also because of the light which it throws on political behavior. The constitution, during a major part of the period, provided for a four-dollar-per-diem and a ten-cent-per-mile travel allowance. From time to time, various ways were found for paying more than four dollars for each day the legislators attended sessions and one mileage payment to and from their homes for each session. Many mileage payments were made for each session; the constitutional fifty-legislative-day session was extended up to 137 days by meeting a day or two and then recessing for committee work. Payments were made for work on recess committees. The most novel method of circumventing the constitution was the appropriation of a fund to an official of each house for "special expenses," from which each member received payments. The facts of legislative costs are valuable because without them one little corner of the picture would be distorted; but the facts of political behavior which appear in unexpected places add zest to the labors of the researcher and help bring the panorama of society into focus. —JOHN E. STONER.

In *Legislative Procedure in Kansas* (University of Kansas Publications, Governmental Research Series, No. 1, revised, pp. 80, free), Frederic H. Guild and Clyde F. Snider have provided an extremely useful monograph for the average citizen as well as for the expert in legislation. Here one finds a detailed description of the law-making process as actually followed in Kansas. In the first eighteen chapters, the involved pattern of law-making is examined. The remaining fifteen chapters cover related

topics, such as journal and calendar; order of business in each house; resolutions; and constitutional amendments. The final section explains available legislative aids. These seven pages show the rôle of the legislative council, the commission on interstate coöperation, the governor, and the administrative agencies in the preparation of legislative programs. The agencies which provide aid to committees and individual members are also listed. Much important data are contained in 309 footnotes. This results in a clear, smoothly written text, not burdened with unnecessary details. Fifteen figures give specific illustrations of various documents, such as a repealing act; a report of a senate committee; a report of committee of the whole house; and a veto message. Even without an index, the expanded table of contents makes the bulletin useful as a reference book. "Offered to the citizens of the state of Kansas as a further contribution of the Bureau of Governmental Research to a clearer understanding of our governmental institutions" (E. P. Allen's introduction), the bulletin should be widely available elsewhere as a basis for comparison and contrast whenever questions arise in connection with legislative organization and procedure in other states.—MONA FLETCHER.

The Utilization of Tax Resources by State Government in Utah [Institute of Government, University of Utah, 1946, mimeo, pp. 80], by G. Homer Durham, is a report to the legislature's tax study committee of 1945-47. This committee had been charged with (1) determination of the necessary expenses of state government, and what if any, current expenditures should be reduced or eliminated, (2) the study of constitutional provisions controlling revenues, and (3) recommendations for changes in those constitutional and legislative provisions which concern finance. On the matter of governmental expenditures and their curtailment, this study analyzes in some detail the expenditures of government by areas of services in Utah since the reorganization in 1941. About the only recommendation for a substantial reduction in expenditures was made for the item "other expenditures" in the governor's office, which includes expenses for defense programs no longer needed. A study of the constitutional provisions on appropriations and control of revenue led the author to conclude that basic constitutional changes should be accompanied by legislative reorganization which was long overdue. Only a new model legislature could exercise the meticulous care necessary to produce good legislation and the proper control and supervision over recently reorganized executive and judicial departments. Constitutional or statutory legislative reorganization, whichever it might be, should include reform in legislative procedure, the establishment of a legislative council, and an effective legislative reference service. Major recommendations for change in constitutional and legislative provisions relating to finance include those designed (1) to clarify

the fiscal work of the board of review, an *ex-officio* board composed of the governor, secretary of state, and attorney-general, and the newly created finance department (1941) which was vested with powers to enforce the appropriations act, to maintain legal financial service, and to strengthen the independent audit; (2) to provide an independent audit; and (3) to introduce an effectively organized budget office.—WILLIAM G. COMBS.

Another useful contribution to the field of model laws has been made by the National Municipal League in its *Model Accrual Budget Law* (Committee on a Program of Model Fiscal Legislation for Local Governments, pp. xx, 20, \$0.50). The law is unequivocal in its objective of effecting financial stability through "unwatered" revenue estimates and stringent expenditure control. Interesting features include acceptance of the budget by the governing body in lieu of tax and appropriation ordinances; a five-year capital improvement program; planning commission recommendation on budget year capital improvements; and a "down payment on capital improvements." Differences of opinion and the need for local adaptation are recognized by the League. It would seem that too little time is allowed for legislative consideration; the record of two, rather than but one, complete previous fiscal years is desirable; some limit on the amount of administrative transfer would be conducive to more accurate departmental estimates; and it is illogical to treat delinquencies, abatements, etc., as expenditures rather than as revenue failures. The model law neglects to mention, but does imply, other requisites of good budget procedure and sound organization, integrated financial and personnel control, and adequate reporting. The minor criticisms advanced detract in no wise from the value of the model law in presenting to state and local groups a guide to the best thought on the subject of local accrual budgeting.—DONOVAN F. EMCH.

Since 1940, the University of Tennessee has held six Southern Institutes of Local Government. The *Proceedings of the Sixth Annual Southern Institute of Local Government* (Bureau of Public Administration, University of Tennessee, 1947, pp. 68) is devoted to the problem of constitutional revision, with special reference to Tennessee. Included in the *Proceedings* are papers by M. H. Satterfield of TVA, Dean W. H. Wicker of the University of Tennessee College of Law, and Morton L. Wallerstein of the League of Virginia Municipalities. The papers of Dean William L. Bradshaw of the University of Missouri School of Business and Public Administration and Charlton F. Chute of the St. Louis Governmental Research Institute contribute the main interest for persons outside of Tennessee. The recent Missouri experience contains many lessons for other states. The observations of these two competent analysts are "must" reading for those interested in state constitutional revision.—JOSEPH M. RAY.

Clarifying some of the confusion that enshrouds the conception that gigantic corporations can be regulated, *The Structure of Transcontinental Railroad Rates* (University of California Press, pp. 165, \$4.00) is a misnomer. Stuart Daggett and John P. Carter make no attempt to tackle passenger rates. Their treatment of freight rates, moreover, suffers certain limitations: rates to and from Oregon and Washington are lightly dismissed; those for the "unproductive mountain states" are inadequately analyzed; and the major emphasis is on rates to and from San Francisco, less than half the size of, and growing less rapidly than, Los Angeles. Including 35 tables, 21 charts, and 31 maps, the monograph's claim to academic importance rests on the fact that, freight schedules being so complicated, the railroad agents make numerous errors. Large shippers must, therefore, employ rate experts, now studying "utility regulation." Ruling grades, topographical obstacles, and other technical data pertaining to rate bases are discussed adequately for that purpose; and competition with highway and water carriers is presented as the paramount factor in making tariff schedules, where rates are higher for short hauls than for long hauls over the same line and in the same direction. Nothing in the monograph could displease the utility gentlemen serving on the Board of Regents.—ARTHUR D. ANGEL.

FOREIGN GOVERNMENT AND POLITICS

Post-War Governments of Europe (published by the *Journal of Politics*, distributed by Kallman Publishing Co., Gainesville, Fla., 1946, pp. 164, \$1.00), edited by David Fellman, is a reprint from the *Journal of Politics*, Vol. 8, No. 3, and comprises a series of articles on the postwar governments of Europe, most of them delivered as papers at a 1946 meeting of the American Political Science Association, some of them added in order to round out the subject-matter. The contributors are John N. Hazard (Russia), Eugene P. Chase (England), Charles A. Micaud (France), Karl R. Bopp (National Banks of England and France), Max Ascoli (Italy), Harold Zink (American Military Government in Germany), Paul R. Sweet (Austria), and Eric C. Bellquist (Scandinavian countries). A collection of this kind inevitably is handicapped by the fact that every author treats his particular subject in his personal manner, and that the various outlooks do not always dovetail. The merit of the collection will have to be found in the quality of the single articles rather than in an integrated view of the postwar constitutional problems of Europe. Agreeably enough, however, the present collection is distinguished from enterprises of a similar nature by a generally high level of all the contributions, so that in its aggregate it is a valuable and convenient instrument of reference for the major constitutional developments of the years 1944-46. In spite of the generally good quality of the articles, some deserve special attention. The article by Hazard is distinguished as a comprehensive, accurate ac-

count of Russian developments; the article by Bopp is a fine study of the evolution of the central banking institutions of England and France preceding their nationalization; the article by Bellquist is a competent survey of Scandinavian developments since the first World War; a little gem is Zink's description of the Alice in Wonderland atmosphere which permeated the origins of our Military Government for Germany. The defects of the collection appear rather in its organization as a whole than in its single contributions. There are, above all, the obvious *lacunae* of Belgium, Holland, Switzerland, Spain, Poland, Hungary, and the Balkans; and an article on our military government in Germany can hardly be considered an adequate covering of the German problem. A more serious defect is the absence of an over-all view of European political problems. There is hardly a trace of awareness that Hitler's attempt to conquer and unite Europe was more than the freakish idea of a power-lusting tyrant, and that European post-Hitler politics has to be measured in terms of success in achieving by democratic means what Hitler failed to achieve by totalitarian means. Moreover, there seems to be no awareness at all that the population of Europe west of Russia is as large as the combined populations of the United States and the Soviet Union, and that disorder in this gigantic, dynamic center of Western Civilization has consequences for the rest of the world of which we have not yet seen the beginnings. Such an over-all view might have been supplied by the introductory and concluding articles of the collection, but regrettably the authors have not availed themselves of the opportunity. The "Introduction" by David Fellman is hardly more than a presentation of the contributors to the reader. The concluding article on "Continuity and Change in European Governments," by J. G. Heinberg, does no more than assure us soothingly that, in spite of all change, European politics shows plenty of continuity just like Missouri.—ERIC VOEGELIN.

Constitutions, Electoral Laws, and Treaties of the States in the Near and Middle East (Duke University Press, pp. xix, 446, \$5.00), by Helen Miller Davis, adds a much-needed volume to the expanding field of Middle Eastern studies. A result of laborious search for documentary sources (not an easy task in the Orient), the book constitutes the first very successful and truly scholarly codification of the fundamental legal instruments of ten countries in the Middle East. Part I, entitled "States in the Near and Middle East," contains basic laws and treaties of nations in alphabetical order from Afghanistan to Turkey; Part II contains multilateral treaties and agreements, and includes—to mention but a few—such documents as the Sykes-Picot Agreement, the Saadabad Pact, and the Pact of the Arab League. Works of this sort are generally regarded as reference books—and this in the long run will be the rôle of Mrs. Davis' volume. But to some

this book will be more than that: it will be regarded as a necessary introduction to the study of this fascinating part of the world, the true importance of which seems to be more and more vindicated by the current political crisis. Sweeping generalizations made by people only superficially acquainted with the East, such as "the prevailing feudal system" in the area, etc., may well be checked against the texts of these various documents. And while it is true that the study of constitutions and treaties alone cannot be sufficient for any one who wishes to acquaint himself with realities of life, the dry letters of law may disclose certain trends important for the understanding of a nation. The Middle East is an area of awakening nationalism, and this feature finds its full expression in the texts of the constitutions, even of those granted—under pressure of events—by Mandatory Powers to mandated territories. Another significant feature is that most of these fundamental laws follow the Western constitutional pattern. The exceptions are the laws of the more primitive countries such as Saudi Arabia or Afghanistan whose traditional paternalism induced the lawmakers to concentrate most authority in the hands of a hereditary monarch. There is no evidence of the influence of Soviet political theory on these basic laws. Even the Turkish constitution, while stressing that the state is "secular" and "revolutionary," follows the Western parliamentary system. The treatment of religion offers, in contrast to the preceding similarities, an interesting example of diversity. From an almost theocratic conception adopted in Afghanistan and Arabia, we are led through the intermediary category of official state religions in Egypt, Transjordan, and Iraq to the modern, liberal conception of complete religious tolerance in the Turkish and Lebanese constitutions. It is to be regretted that the author of this monumental compilation has not included the text of the Lausanne Treaty, so essential for any student of Turkish affairs. Political universalists will, however, be cheered by the fact that the United Nations Charter has been reproduced *in extenso*.—GEORGE LENCZOWSKI

In the May, 1946, *Annals of the American Academy of Political and Social Science* there is recorded the history of various phases of life in *The Netherlands During German Occupation* by persons who took a leading rôle in the resistance movement. Though each is a specialist in the field about which he writes, the underlying theme of all the contributors is the battle of the underground against the hostile occupation. The articles, twenty-one in number, are grouped under the following headings: "Political and Civil Life," "Economic Life," "Standards of Living," "Cultural Life," and "The Resistance." The costs of occupation and resistance were tremendous. One writer frankly admits that the defeats of the Resistance were more numerous than the victories, and that the struggle had no great importance from a military standpoint. It was nevertheless important

because it "demonstrated the stamina of our people." The historian J. M. Romein, basing his conclusions in part upon a report of the Association for Opinion Study, attempts an assessment of the conduct of different classes of people toward the invader. To the doctors, priests, ministers, and students, are awarded the honors. The majority of the public servants and laborers conducted themselves only fairly well, the members of the judiciary even less well, while manufacturers and contractors were most coöperative with the German authorities. All students of the social sciences will find valuable material in this collection of articles.—AMRY VANDENBOSCH.

A decade ago, a study of the economy of the Netherlands Indies was begun for the International Research Committee of the Institute of Pacific Relations by Professor J. H. Boeke of the University of Leyden. Although the work was interrupted by war and the author for a time incarcerated in a German concentration camp, the first part was published in 1942 under the title of *The Structure of Netherlands Indian Economy*. The second part, entitled *The Evolution of Netherlands Indies Economy* (Netherlands and Netherlands Indies Council, Institute of Pacific Relations, pp. xii, 180, \$2.50 cloth, \$2.00 paper), now makes its appearance. The study centers in an analysis of the impact of the depression of the thirties upon the economy of the country. The author begins by tracing with sure broad strokes the evolution of Netherlands Indian economy from the time of the first coming of the European to the beginning of the depression. With the coming of the white man, the dualism of Western and native production came into being. Because of its larger means and superior techniques, Western production gained the ascendancy, and native production was pushed more and more into the background. When the capitalist interests found that they were not able with their own resources to cope with the problems created by the depression, they called upon the government for help. The government responded, but not as an instrument of the capitalist interests. It intervened to protect and promote the national economy as a whole. The result is that although Western capital still controls the economy of the country, it has had to accept growing intervention of government in economic affairs. The author concludes that a form of coöperation between government and Western business has come into being which will dominate the economic future of the Netherlands Indies.—RALPH A. NOREM.

INTERNATIONAL LAW AND RELATIONS

Now that the building of government on the international level has taken a fresh start and international agencies are being established for almost every conceivable kind of coöperation among national govern-

ments, the task of keeping informed on the most significant developments by reliance on official documents becomes every day more staggering, while textbooks are and always will be hopelessly out of date, except as they supply historical background, general descriptions of structure, and theoretical observations. As the old anarchic society of nations becomes better organized and an international community shows signs of emerging, teachers and students of the subject need something more than scattered articles and isolated facts. The mass of official raw materials should be digested and organized in readable form at brief intervals. This need is now being met by the World Peace Foundation, not completely but reasonably well, in the first number of its new journal, *International Organization*, published in February, 1947 (278 pages, \$1.25). Other full issues will appear in June and September and an index supplement will complete the first volume in November. (Annual subscription price, \$3.50.) The new publication gets off to a very satisfactory start under the direction of a board of editors whose names are well known to the profession. The introductory note by Harvey H. Bundy explaining the reason for launching the periodical is followed by three scholarly articles: Leland M. Goodrich on "From League of Nations to United Nations"; Philip E. Mosely on "Peace-Making, 1946"; and Dwight E. Lee on "The Genesis of the Veto." One-half of the first number consists of readable summaries of the 1946 activities of (1) eight organs of the United Nations, (2) nine specialized organizations, (3) thirteen other general international organizations, (4) three regional organizations, and (5) numerous war and transitional organizations. Eighty pages of illustrative documents and twenty pages of selected bibliography conclude the first number and help to make the new journal a welcome and indispensable tool.—JACOB VAN DER ZEE.

Professor Allan G. B. Fisher's latest book, *International Implications of Full Employment in Great Britain* (Royal Institute of International Affairs, 1946, pp. 202, \$3.50), is a survey of the relationship between two broad economic policy objectives to which Great Britain is now committed, full employment and the restoration of an open economic order. Under Article VIII of the Mutual Aid Agreement settling Lend-Lease, England has pledged herself to work for freer international trade by ending exchange controls, import quotas, and other restrictive devices. But will England's concern with domestic full employment permit her to accept the continual shifting of resources and unemployment that an economy subject to changes in the demands of foreign customers must expect? Sir William Beveridge has indicated that the advantages of world trade are probably worth the price of unemployment of one per cent. Professor Fisher is apparently willing to pay much more. The author forthrightly expounds a

thesis he has developed in his past works, namely, the conflict between security and progress. Full-employment policy may seek stability by producing such rigidities in economic life that the future rise in the standard of living may be impaired. Also the deliberate reduction of foreign trade to insure the economy from the shock of changes in its magnitude and composition denies consumers the right to buy what they wish. Lastly, the supposed security of employment gained through blocs and bilateralism is likely to prove an illusion in the long run. Eventually a nation is forced to adjust the use of its resources to a new situation. An open system can make adjustments gradually; a closed system merely postpones the day of adjustment. The value of Professor Fisher's book to Americans lies in the realization that our international trade, although not appearing large to us, is important to all other economies. Fluctuations in American employment result in even greater fluctuations in American trade. Depression and reduced imports by the United States bring chaos to other countries. While we ourselves must avoid the dangers of adopting policies that would also lessen flexibility in the use of our resources, the maintenance of high employment in the United States appears an essential requirement if freer trade is to exist throughout the world.—A. MORGNER.

Dr. Hildebrando Accioly's standard three-volume treatise on public international law, published originally in Portuguese in 1932 and later translated into French, has now appeared in a revised Spanish edition: *Tratado de derecho internacional público* (Imprensa nacional, Rio de Janeiro, 1945, 3 v., pp. xxvi, 664, vii, 519, viii, 645). Not a work of the originality of his Brazilian colleague, Dr. Clovis Bevilacqua (*Direito publico internacional*, Rio de Janeiro, 1911, 2 v.), nor of the profundity of the distinguished Cuban jurist, Dr. Antonio Sánchez de Bustamante y Sirven (*Derecho internacional público*, La Habana, 1933-1938, 5 v.), this nevertheless is a descriptive and inductive analysis of scope and depth. Written in beautiful, clear, forceful—albeit formal—style, Dr. Accioly has combined his broad practical experience in the field of international relations (ambassador of Brazil, secretary-general of the Ministry of Foreign Relations, Brazilian delegate to the Lima Conference, etc.) and his sound research training (author of eight other substantial works) to provide an excellent text for courses in international law in Latin American institutions of higher learning. Indeed, the book may in some ways be considered a criterion of instructional method and course content in Latin American universities. Although there are not the slightest grounds for concluding that the author is trying to prove the existence of an American international law, he does employ a large number of examples and illustrations from the Western Hemisphere, particularly Brazil. This should not imply

either that Dr. Accioly has minimized other sources. His bibliography is rich in the best works published, although especially valuable for the Portuguese and Spanish references. He very naturally was concerned as to whether the book should be revised and published before the termination of the Second World War, but concluded, probably rightly, that whatever the future status of international law under a revitalized league of states, or possibly world government, the evolutionary perspective of international law would possess scholarly and utilitarian merit.—WILLIAM S. STOKES.

The Naval War College's *International Law Documents, 1944-45* (Government Printing Office, 1946, pp. v, 266, \$1.00), prepared in collaboration with Professor P. S. Wild, of Harvard University, contains seventeen numbers dealing, as the preface explains, "with international law in its relation to the conduct of the war just ended." The first and lengthiest of these documents is a discussion of the history, theory, and practice of contraband of war, concluding that "contraband of war still remains a valid concept" (p. 99). The remaining numbers relate to the organization of the international community; Inter-American affairs; the trial of war criminals; Japanese-American and Japanese-Soviet relations; German and Japanese surrender; and the treatment of a defeated Germany, of the Axis satellites in Europe, and of the liberated European states. Needless to say, the reader must remember that some of the international agreements reprinted, such as the Crimea and Potsdam Declarations, are incomplete as judged by subsequent events and revelations. He must thus bear in mind that documents published in time of war do not always reveal the full story of the evolution of the international laws of war or of the practices actually espoused and followed in the midst of conflict and after hostilities have terminated.—GEORGE MANNEE.

International trade generally and foreign trade of a specific country are not the exclusive domain of government reports. Moreover, any one who attempts to analyze and evaluate the foreign trade of the USSR during the past two decades exclusively on the basis of government reports is less than naive. This error of judgment appears to be reflected in the small volume *Soviet Foreign Trade* (Princeton University Press, 1946, pp. 100, \$2.00), by Alexander M. Baykov. The author's previous work, *The Development of the Soviet Economic System*, is unquestionably the most scholarly treatise on the subject, its obvious shortcomings notwithstanding. In contrast, the brief essay under review falls short of its stated purpose, namely, "to describe the Soviet system of foreign trade in force on the eve of the Second World War, to analyze the actual development of foreign trade in the USSR in the past, and to stress facts which seem likely

to influence the development of Soviet foreign trade in the postwar period." The "Annex on Soviet-American Trade Relations" would seem to indicate that the author never observed at close range foreign trade and commercial relations between the two countries. Likewise, in the light of cross-current global political dynamics, the author's discussion apropos of the impact of German reparations upon future Soviet foreign trade is a far cry from the prevailing state of affairs, even from an apologetic point of view.—CHARLES PRINCE.

The Department of State publication, *Participation of the United States Government in International Conferences, July 1, 1941–June 30, 1945* (Department of State Publication 2665, Conference Series 89), is a continuation, with some modifications, of *American Delegations to International Conferences, Congresses, and Expositions, and American Representation on International Institutions and Commissions*, covering the period from July 1, 1932, to June 30, 1941. The present volume carries on through the war years the record of international conferences in which the United States participated. Fifty-three conferences are included, nearly half of which were held within the general framework of permanent organizations. The information given for each conference includes, as a rule, the names of the American delegates, the organization of the gathering, and a summary of achievements. An appendix provides an alphabetical and annotated list of international organizations of which the United States is a member or in whose work it participates. This publication is a very useful one for students of international affairs.—NORMAN L. HILL.

Raymond M. Davis' *The World Begins to Live* (Dorrance and Co., 1947, pp. vi, 131, \$1.50) is "designed and written for high school youth" (p. 10). Chapters are devoted to the organization and evaluation of the League of Nations, emphasizing that "in the last analysis it was not the League that failed but the individual nations that comprised its membership" (p. 46). Other chapters deal with "Planning for Peace" and an appeal to individuals and organizations alike to support the United Nations "with all the strength at our command" (p. 112). There is appended a draft constitution for a United Nations conceived by Mr. Davis.—W. LEON GODSHALL.

POLITICAL THEORY AND MISCELLANEOUS

Professors should, I think, show some modesty when they evaluate the work of those outside the ranks of professional scholars. Joseph Lewis, in his *Thomas Paine, Author of the Declaration of Independence* (New York: Free Thought Press Association, 1947, pp. xix, 315, \$3.00), makes this peculiarly difficult. None can question the sincerity of this disciple of Thomas Paine and Robert G. Ingersoll; nor need one question the proposi-

tion that Paine was one of the most successful of political writers. But did Paine actually write the basic draft of the Declaration of Independence? Lewis argues that Paine *must* have written it. He notes similarities of style between Paine's *Common Sense*, especially, and the Declaration, the use of certain words like "hath," Paine's opposition to slavery, and other matters; and that since Jefferson and Adams could not have written it (being in thought and style incapable of it), Paine is left as the true and only author. Lewis does not show that Paine actually did write it, and most of the arguments submitted can be given other interpretations. He does not prove that Paine in his ideas was original, since the history of republican and natural law theory makes this quite impossible. "In fact, it is my firm conviction," says Lewis, "that Jefferson . . . sought not only Paine's advice, but actually asked him to write the Declaration of Independence, *if Paine had not already done so!* . . . Only one member of that committee was capable of doing it—that man was Benjamin Franklin, *and he did not write it!*" (pp. 85–86). Lewis has devoted considerable space to showing Jefferson's opportunism (e.g., the deletion of the anti-slave-trade clause in the Declaration), and the implication emerges that Jefferson got practically all of his ideas from Paine. But to admit the close contact between Jefferson and Paine does not prove that the appointed committee of the Continental Congress did not prepare the Declaration or that Jefferson was mendacious when he said he drafted it. We can all admit the importance of Thomas Paine and his influence on the course of the American Revolution without agreeing with Lewis that Paine *must* have written the Declaration.—FRANCIS G. WILSON.

George W. Gobles' *The Design of Democracy* (University of Oklahoma Press, 1946, pp. viii, 248, \$2.75), written by a man of obvious good-will, brings together many ideas regarding democracy with which the majority of Americans will not disagree except in detail. On the other hand, embedded in this generally accepted material are both philosophical assumptions and working conclusions that will be challenged from various quarters. The present reviewer, for example, disagrees with much that is said and implied by the following sentences: "Now if physical laws, once thought to be universal and immutable, are such unreal, unstable, and transitory things, how much more so are principles of the social world, where human conduct, will, motive, instincts, and emotions are more deeply involved (p. 5) . . . There is . . . a non-idealistic side of democracy—a side which people can see and feel more keenly than they can sense or appreciate the idealistic" (p. 7). It is only fair to state that this position is counterbalanced to some extent by other passages—for example: "We must be as efficient as we can and yet be free" (p. 230). The chief argument of the book is that "democracy consists of certain procedures, set up for

the attainment of ends which we deem desirable" (p. 7). These procedures are classified into four groups: those for the maintenance of individual liberties; those for the promotion of order and national unity through mutual adjustment; those for the maintenance of powers which make government responsible to the people; and those for the maintenance of the responsibility of industry "to its employees and to the people, and for the promotion of economic security" (p. 8). Good and sensible things are said about all these matters. In fact, the book will be a useful introduction to democratic thinking along lines very slightly left of center, for the use of young persons and of others needing a simplified presentation. It has very little to offer that is new; but this lack is not serious in a book described as a "primer." The chief fault of the volume is its monotonous style; the chief virtue, its genuine concern for the democratic way of life.—MIRIAM E. OATMAN.

The January, 1947, issue of *The Annals of the American Academy of Political and Social Science* (Vol. 249, \$2.00 paper, \$2.50 cloth) publishes nineteen articles under the title "Social Implications of Modern Science," edited by Harold M. Dorr. The sequence was initially presented as a series of lectures in the 1946 summer session of the University of Michigan. The individuals who participated in this integrating survey are representatives of several universities, and all are distinguished in their fields. High quality in the essays is therefore not surprising. The articles are grouped into five sections. The first, "Technology and Society," presents a synopsis of recent developments in the natural sciences and undertakes a preliminary evaluation of their social consequences. The second section, "Political Implications," includes four contributions by political scientists. It is concerned essentially with the probable effects of atomic warfare and science on nationalism, world government, civil liberties, and the democratic order. This section will probably be of most interest and value to political scientists. "Science and Social Change," the third section, deals with the anatomy of social change from the viewpoints of psychology, technology, law, and economics. A fourth section, "Conjunction of Social and Physical Sciences," is concerned with the implementation of certain select social fields (e.g., public health) by physical science. A final section considers "The Problem of Values." In his foreword to the issue, Harold M. Dorr states that the design of the series was to "take stock of scientific and technological advances, to anticipate their social consequences, to appraise their potential values, and to examine proposed changes in social organization designed to accommodate man to the new world of science and, at the same time, to insure him against the dangers inherent in the new forces." While the composite does not, of course, wholly accomplish this task, it does have great merit both as a preliminary survey of these

relationships and in suggesting the outlines of integration. Necessarily, the scope of the series requires the consideration of selected, if important, topics only. It is also notable that while some of the authors are concerned with the interrelations of social science with natural science as a whole, others treat their subjects almost exclusively with reference to recent atomic developments. In general, however, the cumulative effect is one of integration, and the collection is both provocative and discerning.—
THOMAS P. JENKIN.

A sociologist, Professor George A. Lundberg, again poses the fundamental question, *Can Science Save Us?* (Longmans, Green and Co., 1947, pp. 122; paper, \$1.00; cloth, \$1.75), to which all students of human relations as well as the general public must give renewed attention. Raising and then answering the typical objections to application of the scientific method in the search for solutions to social problems, the author in effect exhorts us to bypass outmoded thoughtways and to go forward with the task of inventing new techniques of appraisal and prediction indispensable for producing the knowledge upon which we can act in seeking to attain mankind's social goals. Idealism unbalanced by scientific criteria as to requirements and costs is declared a social liability. Careful to confine the social scientist to those tasks for which he is fitted, Professor Lundberg would have the state hold social "authorities" to exacting standards in the same way as other professionals. The treatment of the scientist in his dual rôles of researcher and citizen is especially timely; and equally so is the excellent analysis of the function and content of general education in a scientific age. Though the subject of this little book by its very nature invariably provokes many caveats from trained observers of social phenomena and laymen alike, it is so compelling that every political scientist should familiarize himself with Professor Lundberg's distinguished affirmation of faith. The book deserves a wide audience.—
LUTHER J. LEE, JR.

Nazism and its ilk may be officially dead, but, according to current reports from Europe, antisemitism is still rife. Though no longer promoted or sanctioned officially, it appears to be more virulent than in pre-Hitler days. The persistence of the phenomenon baffles conscientious non-Jews. It continues to perplex even the best of Jewish students of the problem, judging by the fourteen *Essays on Antisemitism* (New York, 1946, pp. xi, 265, \$2.50), collected in the second volume of the Jewish Social Studies, edited by Koppel S. Pinson, and brought out by the Conference on Jewish Relations. In this, a revised and enlarged edition of the 1942 volume, five essays are devoted, severally, to a survey of antisemitism in the postwar world, to economic, social, and psychological aspects of the problem, and

to defenses against antisemitism. Attention may be called to the scholarly contributions of Israel S. Wechsler and Bernard D. Weinryb. Nine historical and regional studies furnish case histories of this social malignancy, in the Hellenistic-Roman world, in the first Christian millennium, in medieval art and law, in Islam, Tsarist Russia, Poland, modern France, and modern Germany. Hannah Arendt's discussion of the Dreyfus case deserves special commendation. Waldemar Gurian offers a balanced, though somewhat simplified, account of Nazi antisemitism. Raphael Mahler has brought his informative discussion of Polish antisemitism completely up to date, including developments as late as April, 1946. On the other hand, Mark Vishniak's essay on antisemitism in Russia would gain greatly in interest and importance if it should, in a future edition, include a discussion of the problem in the Soviet Union, where, all official denials to the contrary, antisemitism continues to survive, though much less prominently than in Tsarist Russia. Readers will appreciate the appended *vitae* of the contributors (pp. 267-269), but will regret the absence of an index to this veritable mine of information. The essayists agree upon no single thesis or solution. Their earnestness, however, challenges other social scientists to help think through once again this age-old problem.—HENRY REIFF.

Although the first American edition of Hilaire Belloc's *The Servile State* (Henry Holt, pp. xxvii, 189, \$2.50) bears the date 1946 and includes a new introduction by Christian Gauss, the text is a reprint of the original 1912 edition. Even the author's preface to the English edition of 1927 antedates Nazism, ignores Fascism, and finds peasant-ownership the outstanding characteristic of Soviet Russia. It was capitalism as it existed before the First World War that led Belloc to prophesy the coming of the servile state. Belloc holds the capitalist state inherently unstable and offers three stabilizing solutions—the distributive, the collectivist, and the servile state. He maintains that widespread ownership of the means of production was actually attained in the later Middle Ages, but that it would go against the grain of existing capitalist society to attempt to re-establish the distributive state. Collectivism seems the easiest solution, but cannot be secured without the outright confiscation of private property. Modern "socialistic reforms" actually point toward the servile state, in which the great majority are compelled by law to labor for the advantage of the few who own the means of production. When men fear unemployment more than legal compulsion, they are ready for a servile status. When employers and employees are differentiated by legislation on employers' liability, minimum wages, and unemployment insurance, the servile state has begun. The study is provocative rather than convincing. The assimilation of the modern employee to the Roman slave depends

upon a definition of servile status that completely disregards the former's freedom to own consumers' goods and to control his own leisure. Furthermore, the demonstration that society is not headed toward collectivism is undermined, if not destroyed, by the experience of the world since 1912 with the effects of taxation and inflation upon the propertied classes.—
MARGARET SPAHR.

Considering the scarcity of materials in 1946, it is to be deplored that some were used up in reprinting Albert Jay Nock's *Our Enemy, the State* (The Caxton Printers, Ltd., pp. 209, \$2.50), which first appeared in 1935. Mr. Nock's anarcho-individualism, being definitely atavistic, disables him from appreciating the effect of mass civilization on the problem to which he addresses himself. One need not hold a brief for "statism" to recognize the fact that, in present circumstances, the expansion of "state power" at the expense of "social power" is largely a result of default on the part of the latter and of the consequent popular demand for governmental intervention. Mr. Nock, however, contends that "social power is estopped by sheer fiat" from performing its appropriate functions. His own argument from history, to which the bulk of the book is devoted, does not enlighten him as to the primary causes of this "usurpation." Not only that, but it seems rather pointless. Though it is said that Mr. Nock denied being an economic determinist, he resorts, nevertheless, to an over-simplified economic interpretation of individual and group motives, reminiscent of Charles A. Beard's earlier endeavors. Failing to come to grip with the real issues, Mr. Nock sets up a straw man for himself. First, he affirms the duality of state and government, drawing invidious comparisons between them. Then—being under the influence of Herbert Spencer's organismic theory—he hypostatizes the state. Thus the state ceases to be a mere abstraction, and Mr. Nock is able to ascribe an inherent acquisitiveness to it, and to accuse it of self-aggrandizement. No further comment is needed to show that Mr. Nock's approach is quixotic.—
HENRY JANZEN.

Britain was closer to the war than we, yet has produced rather more in proportion of analyses of Nazism that avoid the crudely Manichean approach. The latest is E. K. Bramstedt's *Dictatorship and Political Police; The Technique of Control by Fear* (Oxford University Press, 1947, pp. ix, 275, \$4.75), in the "International Library of Sociology and Social Reconstruction" edited by the late Karl Mannheim. Mr. Bramstedt's central interest is the Nazi Gestapo and its branches, the SS and the *Sicherheitsdienst*. While there is perhaps too much description of their organization, and too little analysis of the factors extending beyond German politics that gave rise to such organizations and methods, the book assumes that

they are explainable. In the sober manner familiar to readers of E. H. Carr or Alfred Cobban, it endeavors to get beyond the simple formula of surgery for cancer to something better than mystery in suggesting the causes and the means of future avoidance. The book was written over an extended period during the war, and might have been improved by more thorough rewriting. It sketches the history of the French political police under the two Bonapartes and the Italian Fascist OVRA. But it fails to mention the system in England under Elizabeth, and omits consideration of the Soviet establishment of many names, although with apology for the omission. There are a number of minor faults, some of them due to necessary ignorance or security at the time of writing. The account of the attempt to assassinate Hitler on July 22, 1944, is superficial and gives two different dates. The book also ascribes the origin of colored shirts as political uniforms to an occurrence in Paris in 1869, forgetting Garibaldi's red shirts of 1860, and speaks of sending people to the Bastille in 1800. With all its faults, however, the book is one of the more useful of the multitude of volumes recapitulating some phase of the recent world commotion. The latter parts occasionally reach a high plane, as when the author points out that "the old Fascism has caused defeat and humiliation to nations alien to it, but defeat and humiliation in their turn are fruitful soil for a new Fascism with different sponsors but with similar dangers."—GEORGE S. PETTEE.

In *The Limitist* (W. W. Norton, 1947, pp. 166, \$2.00), Fred I. Raymond undertakes two tasks. He does a neat and effective job of showing the disparity between the classical theory of capitalism and its current operation. The legal devices which forestall the operation of the natural principles that were to prevent huge agglomerations of capital are clearly delineated, and the compulsions of the market-place which lead to "giantism" are described. Neither taxation nor regulation has prevented this abuse of capitalist principles. This critical section is excellently done. The next task is to present "constructive suggestions for change." Limitism is the central theme. Limitist laws are those that establish "precise" limits. "Acts within such limits are clearly legal, while acts beyond the limits are clearly illegal." In practice, this would involve the fixing of factual limitations on size of firm or quantity of output in order that violation could be easily established. Other forms of control, such as the "elastic restraint" of regulatory laws and the "discouragement" of tax laws, should be reduced to a minimum. Tentative laws for commerce and agriculture which incorporate limitist principles are outlined. The main issue seems to be the large corporations and the obstacles which they may strew in the way of small firms. Mr. Raymond wants to stop this by prohibiting such socially undesirable developments. The only surprising thing about the proposal

is that it took a business man twenty years to think of it (if the dust jacket may be believed.)—CHARLES B. HAGAN.

In a concise and thorough study, *Freedom of the Movies* (University of Chicago Press, 1947, pp. 241, \$3.00), Ruth A. Inglis has examined the "History and Economics," and the "Social Rôle" of the screen, with particular emphasis on its pattern of self-regulation. One of several reports on mass communication by the Commission on Freedom of the Press, it is the best single summary dealing with our American entertainment Frankenstein, and is not likely to be improved upon soon. The Production Code (which is given in full, with commentary on its origins and growth) offers interesting parallels with Plato's strictures on poetry, and more especially the "Reasons Underlying the General Principles" provide matter for a full-size course on art, morals, and their effect on society. But the social scientist will more profitably reflect on the current unwillingness of the movies, even with coaching, to be cast in a positive rôle in public affairs. An industry only recently in a state of financial instability, obliged to reach an "undifferentiated mass audience" with "a sizable number of films every year," has little economic incentive for playing up complex social problems—or lofty aesthetic experiments. The Commission's own introductory statement, calling chiefly for the "motion picture industry to rise to the occasion," is surely as dubious an expectation as any dependence on government regulation or stimulation. The forcible separation of production from distribution is long overdue. But the real answer to monopoly by the "majors"—here as elsewhere—is not moral adjuration on one side or government censorship on the other. It lies in achieving, by subsidy or legal privilege or otherwise, some new form of competition. What is needed, as Miss Inglis briefly urges at the very end, is an increase in specialized audiences: small theaters as outlets for experimental films, original ideas, pioneering personalities. With such outlets, the non-fiction film could some day begin to come into its own, much as the non-fiction best-seller has matured and found public favor in the last twenty years. But it will need subsidy. And neither Washington nor Hollywood seems to be an early candidate for that. Would not the development of non-fiction film production be as fit a subject as the public library for coöperation between communities and philanthropic foundations? Would not a five- or ten-year program meet a crying need for motion picture progress both as a teaching instrument and as an outlet for the social sciences?—RICHARD DYER MACCANN.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Abelarde, Pedro E. American tariff policy towards the Philippines. Pp. 241. N. Y.: King's Crown. 1947.

Abrams, Charles. A housing program for America. Pp. 32. N. Y.: League for Industrial Democracy. 1947.

Binkley, W. E. President and congress. Pp. 312. N. Y.: A. A. Knopf. 1947.

Browder, Earl R. War or peace with Russia? Pp. 190. N. Y.: A. A. Wyn. 1947.

Budens, Louis F. This is my story [Communist party]. Pp. 394. N. Y.: McGraw-Hill. 1947.

Commission on Freedom of the Press. A free and responsible press; a general report on mass communication. Pp. 150. Chicago: Univ. of Chicago Press. 1947.

Crum, John H. Behind the silken curtain; a personal account of Anglo-American diplomacy in Palestine and the Middle East. Pp. 311. N. Y.: Simon & Shuster. 1947.

Cummins, E. E., and De Vyver, F. T. The labor problem in the United States; 3rd ed. Pp. 601. N. Y.: Van Nostrand. 1947.

Curtis, C. P. Lions under the throne; a study of the supreme court of the United States. Pp. 368. Boston: Houghton Mifflin. 1947.

Daggett, S., and Carter, J. P. The structure of transcontinental railroad rates. Pp. 173. Berkeley: Univ. of Calif. Press. 1947.

Davie, Maurice R., and others. Refugees in America. Pp. 474. N. Y.: Harper, 1947.

Dennis, Eugene. The people against the trusts. Pp. 64. N. Y.: New Century Pubrs. 1947.

Duggan, J. C. The legislative and statutory development of the federal concept of conscription for military service. Pp. 199. Washington: Cath. Univ. of Amer. 1946.

Foner, Philip S. History of the labor movement in the United States. Pp. 576. N. Y.: Int. Pubrs. 1947.

Jones, J. Mervyn. Full powers and ratification; a study in the development of treaty-making procedure. Pp. 197. N. Y.: Macmillan. 1947.

Latham, Earl, and Others. The federal field service. Pp. 70. Chicago: Pub. Admin. Service. 1947.

Levi, Werner. American-Australian relations. Pp. 184. Minneapolis: Univ. of Minn. Press. 1947.

Lord, Russell R. The Wallaces of Iowa. Pp. 628. Boston: Houghton. 1947.

Lutz, Harley L., Magill, Roswell, Tarleau, Thomas N., Hughes, Rowland R., Fairchild, Fred R., and Cooper, Walter A. A tax program for a solvent America. Pp. 170. N. Y.: Committee on Postwar Tax Policy. 1947.

Meis, Harold W., and Jacobstein, Meyer. A national labor policy. Pp. 164. Washington: Brookings Institution. 1947.

Martin, A. B. and Chesney, L. W. Kansas government. Pp. 126. Topeka (Kan.): League of Kansas Municipalities. 1946.

Petrullo, Vincenzo. Puerto Rican paradox. Pp. 187. Phila.: Univ. of Pa. Press. 1947.

Pollard, James E. The presidents and the press. Pp. 879. N. Y.: Macmillan. 1947.

Pulkammer, E. W. Manual on criminal law and procedure. Pp. 89. Chicago: Chicago Commission on Crime, 79 W. Monroe St. 1947.

Short, Lloyd M. Personnel problems affecting social scientists in the national civil service. Pp. 39. N. Y.: Social Sci. Research Council. 1946.

Speiser, Ephraim A. The United States and the near east. Pp. 279. Cambridge: Harvard Univ. Press. 1947.

Van Til, William. Economic roads for American democracy. Pp. 261. N. Y.: McGraw-Hill. 1947.

Walker, E. E., Beach, W. G., and Jamison, O. G. Government of the United States. Pp. 692. N. Y.: Scribner's Sons. 1946.

Ware, Ethel K. A constitutional history of Georgia. Pp. 210. N. Y.: Columbia Univ. Press. 1947.

Westcott, A. F., ed. American sea power since 1775. Pp. 617. Philadelphia: Lippincott. 1947.

Articles

Administrative Law. The federal administrative procedure act. *Herbert Kaufman.* Boston Univ. Law Rev. Nov., 1946.

———. The federal administrative procedure act. *Ray A. Brown.* Wis. Law Rev. Jan., 1947.

Agriculture. Farmer coöperatives. *Paul J. Foley.* Taxes. Mar., 1947.

Airspace. Judicial determination of rights in airspace. *John A. Eubank.* Dickinson Law Rev. Mar., 1947.

Alien Property. Enemy business enterprises and the alien property custodian, part I. *Francis X. Fallon, Jr.* Fordham Law Rev. Nov., 1946.

Army and Navy. The peacetime army: warriors need not apply. *Eric Larrabee.* Harper's. Mar., 1947.

———. In defense of the army mind. *John J. McCoy.* Harper's. Apr., 1947.

Banking and Currency. National banks and protective state laws. *T. L. Wentling.* Dickinson Law Rev. Mar., 1947.

Bankruptcies. Jurisdiction of primary and ancillary courts in ordinary bankruptcies. *Reuben G. Hunt.* Commercial Law Jour. Mar., 1947.

Bar. World peace and the lawyer. *John F. Schmidt.* Jour. of Am. Judicature Soc. Feb., 1947.

Business. The entertainment industry and the federal antitrust law. *Bernard Reich.* So. Calif. Law Rev. Dec., 1946.

———. The real estate lobby. *A. L. Crosby.* Am. Mercury. Mar., 1947.

———. Unfair competition without competition? *Rudolf Callmann.* Univ. of Pa. Law Rev. Mar., 1947.

———. The airlines face a crisis. *R. H. Estabrook.* Am. Mercury. Mar., 1947.

Checks and Balances. Government—checked and balanced. *Wallace Mendelson.* Southwestern Soc. Sci. Quar. Mar., 1947.

Civil Liberties. Rights under the fourteenth and fifteenth amendments against injuries inflicted by private individuals. *R. L. Hale.* Civil rights legislation before and after the passage of the 14th amendment. *W. E. B. Dubois.* Lawyers Guild Rev. Dec., 1946.

———. Exemption from the draft; a study in civil liberties. *Julien Cornell.* Yale Law Jour. Jan., 1947.

———. A federal prosecutor looks at the civil rights statutes. *Tom C. Clark*. *Columbia Law Rev.* Mar., 1947.

Communications. Federal legislation regulating radio. *Martin J. McManus, Jr.* *So. Calif. Law Rev.* Feb., 1947.

Congress. The congressional reorganization. *Estes Kefauver*. *Jour. of Pol.* Feb., 1947.

———. The second session of the seventy-ninth congress. *Floyd M. Riddick*. *Am. Pol. Sci. Rev.* Feb., 1947.

Conservation. Congress must reclaim reclamation. *Hugh Butler*. *Pub. Util.* Apr. 10, 1947.

Constitutional Law. The rights of states interposition. *Howard N. Morse*. *Dickinson Law Rev.* Mar., 1947.

Crime and Criminal Law. Partial insanity as affecting the degree of crime—a commentary on *Fisher v. United States*. *Herman L. Taylor*. *Calif. Law Rev.* Dec., 1946.

———. Insanity as a defense to homicide in Pennsylvania. *Burton R. Laub*. *Temple Law Quar.* Dec., 1946.

———. The new federal rules of criminal procedure; part II. *George H. Dession*. *Yale Law Jour.* Jan., 1947.

———. Who is the criminal? *Paul W. Tappan*. *Am. Sociol. Rev.* Feb., 1947.

———. The hijacking racket. *Malcolm Johnson*. *Am. Mercury*. Apr., 1947.

Education. A report on the treatment of Asia in American textbooks. *Donn V. Hart*. *Far Eastern Quar.* Nov., 1946.

———. Labor's stake in university education. *Louis Hollander*. *Labor and Nation*. Jan.-Feb., 1947.

———. Paying the cost of a properly organized system of schools. *C. K. Alexander*. *The Municipality*. Feb., 1947.

———. Adult education—or disaster. *A. Caswell Ellis*. *Southwest Rev.* Spring, 1947.

Foreign Policy. Sea expansion of the United States of America [in Russian]. *L. Ivanov*. *World Economics and Politics* [Russian]. Sept., 1946.

———. Economic plans of the U.S.A. in China [in Russian]. *N. Vainzweig*. *World Economics and Politics* [Russian]. Oct.-Nov., 1946.

———. Strategical bases of the U.S.A. and Great Britain [in Russian]. *V. Tscheprakov*. *World Economics and Politics* [Russian]. Oct.-Nov., 1946.

———. The United States in search of a peace policy. *Arnold Wolfers*. *Int. Affairs*. Jan., 1947.

———. A note on the occupation of Iceland by American forces. *John L. Zimmerman*. *Pol. Sci. Quar.* Mar., 1947.

———. Our treaty procedure versus our foreign policies. *John Sloan Dickey*. *For. Affairs*. Apr., 1947.

Foreign Service. The American foreign service since 1939. *Elton Atwater*. *Am. Jour. of Int. Law*. Jan., 1947.

Foreign Trade. Free trade with Canada. *O. G. Villard*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.

———. Foreign trade policy of the United States. *Harold H. Hutcheson*. *For. Policy Rep.* Mar. 15, 1947.

Guam. Crisis on Guam. *Laura Thompson*. *Far Eastern Quar.* Nov., 1946.

Health. A year of transition from war to peace. *Walter Clarke*. *Jour. of Soc. Hygiene*. Jan., 1947.

———. Health insurance plans under union-management agreements. *John M. Brumm*. Jan.-Feb., 1947.

- . Responsibility of the health officer in a medical care program. *F. W. Jackson*. *Am. Jour. of Pub. Health*. Mar., 1947.
- Inflation. Postscript on war inflation. *W. J. Fellner*. *Am. Econ. Rev.* Mar., 1947.
- Intergovernmental Relations. Intergovernmental coöperation in the Tennessee valley. *M. H. Satterfield*. *Jour. of Pol.* Feb., 1947.
- Interstate Commerce. Some heretical remarks on the federal power over commerce. *Frederick Green*. *Law Rev.* Jan., 1947.
- Judiciary. The work of the Mississippi supreme court, 1942-1946: Public law. *Littleton Upshur*. Taxation. *Francis S. Bowling*. *Miss. Law Jour.* Dec., 1946.
- . Benjamin N. Cardozo. *Luther M. Swygert*. *Notre Dame Lawyer*. Jan., 1947.
- . Judges: their selection and tenure. *Laurance M. Hyde*. Minor courts in state constitutions. *E. R. Sutherland*. *Jour. of Am. Judicature Soc.* Feb., 1947.
- . Disqualification of judges. *A. B. Neil*. *Tenn. Law Rev.* Feb., 1947.
- . Judge Learned Hand. *Felix Frankfurter* and *C. C. Burlingham*. The literary style of Learned Hand. *George W. Pepper*. Judge Learned Hand and the work of the American law institute. *H. F. Goodrich*. Judge Learned Hand's contribution to public law. *C. E. Wyzanski, Jr.* Judge Learned Hand and the interpretation of statutes. *Archibald Coz.* Judge Learned Hand and the law of patents and copyrights. *Stephen H. Philbin*. Judge Learned Hand and the criminal. *Orrin G. Judd*. *Harvard Law Rev.* Feb., 1947.
- Labor. The war labor board and management functions. *Ludwig Teller*. *N. Y. Univ. Law Quar. Rev.* July, 1946.
- . The status of foremen as "employees" under the national labor relations act. *H. E. Cooper*. *Fordham Law Rev.* Nov., 1946.
- . The Negro worker in Chicago industry. *Dorothy M. Powell*. *Jour. of Bus.* Jan., 1947.
- . The fair labor standards act. *Leon H. Wallace*. *Ind. Law Jour.* Jan., 1947.
- . Protection of labor union funds by members' representative suits: Massachusetts practice. *John A. Perkins*. *Boston Univ. Law Rev.* Jan., 1947.
- . Labor faces the future. *Louis Hollander*, *Walter Reuther*, and *Others*. *Labor and Nation*. Jan.-Feb., 1947.
- . New ways to write laws. *Alfred F. Conard*. *Yale Law Jour.* Feb., 1947.
- . The crisis of capitalism. *J. C. O'Mahoney*. *Survey Graphic*. Feb., 1947.
- . Why men strike. *Peter F. Drucker*. *Fortnightly*. Feb., 1947.
- . Utility labor bills in state capitals. *J. J. Hassett*. *Pub. Util.* Feb. 27, 1947.
- . Labor and the communists. *Hilda Fisher*. *Current Hist.* Mar., 1947.
- . Expansion and employment. *E. D. Domar*. *Am. Econ. Rev.* Mar., 1947.
- . Attitudes of "progressive" trade-union leaders. *Alvin W. Gouldner*. *Am. Jour. of Sociol.* Mar., 1947.
- . "Portal-to-portal"—survey and destiny. *B. B. Wolson*. *Commercial Law Jour.* Mar., 1947.
- . Employees' suits under the fair labor standards act. *A. B. Gerber* and *S. H. Galfand*. *Univ. of Pa. Law Rev.* Mar., 1947.
- . Economics and full employment. *Raymond D. Thomas*. *Southwestern Soc. Sci. Quar.* Mar., 1947.
- . The uncomfortable paradise of full employment. *Robert L. Heilbroner*. *Harper's*. Apr., 1947.
- . How miners live. *A. H. Raskin*. *Am. Mercury*. Apr., 1947.
- Law. Fee schedules—a device in preventive law. *W. N. Wherry*. *N. Y. Univ. Law Quar. Rev.* July, 1946.

Naturalization. American citizenship; can applicants qualify their allegiance? *Editors. Am. Bar Assn. Jour.* Feb., 1947.

Personalities. "John Roy Carlson": Curious phenomenon. *John T. Flynn. Catholic World.* Mar., 1947.

———. Stassen of Minnesota. *Roscoe Drummond. Am. Mercury.* Mar., 1947.

———. The decline and fall of Burton K. Wheeler. *Joseph K. Howard. Harper's.* Mar., 1947.

———. Henry Wallace. *Dwight Macdonald. Politics.* Mar.-Apr., 1947.

———. Louis Brandeis: people's attorney, *A. T. Mason. Am. Mercury.* Apr., 1947.

Personnel. The personnel officer and individual employee problems. *H. W. Johnstons. Person. Admin.* Jan., 1947.

———. Civilian personnel administration in the war department. *Donald A. Rutledge. Pub. Admin. Rev.* Winter, 1947.

Political Leaders. Issues and leaders in Washington. *Marquis Childs. Yale Rev.* Spring, 1947.

Political Parties. Third party? Not yet. *Editors. Labor and Nation.* Jan.-Feb., 1947.

———. The changing outlook for a realignment of parties. *A. N. Holcombe. Pub. Opin. Quar.* Winter, 1946-47.

Presidency. The third term issue. *Arthur M. Schlesinger. Am. Mercury.* Apr., 1947.

Public Administration. Procedural due process in the cancellation of air mail route certificates. *E. H. Campbell. Wash. Law Rev. & State Bar Jour.* July, 1946.

———. The rôle of the lawyer in public administration. *J. M. Pfiffner. So. Calif. Law Rev.* Dec., 1946.

———. Perfecting state administration, 1940-1946. *L. K. Caldwell. Analysis of the process of decision-making. James L. McCamy. Pub. Admin. Rev.* Winter, 1947.

———. The science of public administration; three problems. *E. A. Dahl. Pub. Admin. Rev.* Winter, 1947.

———. Federal executive reorganization re-examined: a symposium, Part II. *Fritz Morstein Marz (ed.). IV. Adjusting the departmental system. Lloyd M. Short. V. Systematizing congressional control. Robert M. La Follette, Jr. VI. Political limitations on executive reorganization. Avery Leiserson. Am. Pol. Sci. Rev.* Feb., 1947.

Public Opinion. Isolationism and the middle west. *W. G. Carleton. Miss. Valley Hist. Rev.* Dec., 1946.

———. Soviet news in the "New York Times." *Martin Kriesberg. Pub. Opin. Quar.* Winter, 1946-47.

———. Toward world surveying. *Stuart C. Dodd. Are public opinion polls fair to organized labor? Arthur Kornhauser. An analysis of rumor. Gordon Allport and Leo Postman. Pub. Opin. Quar.* Winter, 1946-47.

———. The "liberals" pounce on Schuschnigg. *Erik v. Kushnell-Leddihn. Catholic World.* Mar. 1947.

———. This time and last time. *Frederick L. Allen. Harper's.* Mar., 1947.

Public Utilities. The man behind the telephone. *L. D. Farrar. Should state commissions regulate utility labor relations? Roscoe Ames. Pub. Util.* Mar. 13, 1947.

———. Nebraska, the public power state, parts I, II, & III. *Judson King. Pub. Util.* Mar. 13, Mar. 27, Apr. 10, 1947.

Puerto Rico. Puerto Rico: an American responsibility. *Olive Holmes. For. Policy Rep.* Mar. 1, 1947.

Race Relations. Race prejudice and Negro-white relations in the army. *E. T. Hall, Jr.* Am. Jour. of Sociol. Mar., 1947.

———. The anti-discrimination trend in state legislatures. *Roscoe Arnes.* Pub. Util. Apr. 10, 1947.

Representation. Unrepresentative government. *Allen Duckworth.* Southwest Rev. Spring, 1947.

R.F.C. Look what's in the temple now. *Jesse P. Wolcott.* Nation's Bus. Mar., 1947.

Social Security. Reorganization of workmen's compensation in New York State, 1943-1946. *Mary Donlon.* Pub. Admin. Rev. Winter, 1947.

———. Experience rating in the Texas unemployment compensation program. *Carey C. Thompson.* Southwestern Soc. Sci. Quar. Mar., 1947.

State Constitutions. Constitutional revision and the courts. *W. H. Wicker.* Constitutional revision in a southern state. *W. L. Bradshaw.* Public support for constitutional change. *Charlton F. Chute.* Tenn. Law Rev. Feb., 1947.

State Legislatures. The first general assembly of Iowa. *J. A. Swisher.* Ia. Jour. of Hist. & Pol. Jan., 1947.

———. Improving state legislative procedure and processes. *L. B. Orfield.* Minn. Law Rev. Jan., 1947.

Supreme Court. The United States supreme court, 1936-1946. *Walter F. Dodd.* Am. Pol. Sci. Rev. Feb., 1947.

Taxation. The treasury interprets the Clifford case. *Joseph B. Lynch.* Fordham Law Rev. Nov., 1946.

———. Practical farm tax problems. *Waller B. Keaton.* Ind. Law Jour. Jan., 1947.

———. Gross receipts taxes on interstate transactions. *Allison Dunham.* Columbia Law Rev. Mar., 1947.

———. Something new in gift and estate taxes. *Lee J. Wolfe.* Taxes. Mar., 1947.

———. A new tax proposal. *Harry Silverson.* Am. Mercury. Mar., 1947.

———. Gift and estate tax implications of family partnerships. *E. N. Polisher.* Dickinson Law Rev. Mar., 1947.

———. Voluntary disclosures in tax fraud and evasion cases. *Murray L. Rachlin.* Tax division, department of justice. *H. P. Locke.* Tax problems of the national government. *R. G. Blakey.* Taxes, Apr., 1947.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Bishop, Reginald. Wages and prices in the U.S.S.R. Pp. 24. London: British-Soviet Society. 1946.

Carpenier, C. R. Problems of German reconstruction. Pp. 39. N.Y.: Social Action. 1947.

Ciechanowski, Jan. Defeat in victory [Poland]. Pp. 413. Garden City (N.Y.): Doubleday. 1947.

Clarke, J. J. Outline of local government of the United Kingdom; 15th ed. Pp. 366. London: Pitman & Sons. 1945.

Crossman, Richard H. S. Palestine mission; a personal record. Pp. 213. N.Y.: Harper. 1947.

Edmunds, S. E. Struggle for freedom; the history of Anglo-American liberty from the charter of Henry I to the present day. Pp. 322. Milwaukee: Bruce. 1947.

Ehrenburg, Ilia G. European crossroads; a Soviet journalist in the Balkans; trans. Pp. 176. N.Y.: Knopf. 1947.

Ehrmann, H. W. French labor from popular front to liberation. Pp. 339. N. Y.: Oxford. 1947.

Frye, William. Marshall, citizen soldier. Pp. 397. Indianapolis: Bobbs-Merrill. 1947.

Gordon, Stralhearn. Our parliament; 2nd ed. Pp. 175. London: Hansard Society. 1946.

Grant, Michael. From "imperium" to "auctoritas"; a historical study of "aes" coinage in the Roman empire, 49 B.C.-A.D. 14. Pp. 539. N.Y.: Macmillan. 1947.

Guesde, Jules. Jules Guesde. Éd. du centenaire. Introduction et textes choisis par Suzanne Lacore. Pp. 170. Paris: Éditions PERFRAC. 1946.

Hewlett, John. Like moonlight on snow; The life of Simon Iturri Patiño. Pp. 292. N.Y.: R. M. McBride. 1947.

McConkey, Darel. Out of your pocket; the story of cartels. Pp. 120. N.Y.: Pamphlet Press. 1947.

Mendis, G. C. Ceylon under the British. 2nd rev. ed. Pp. 139. London; A. Probsthain. 1946.

Olden, Rudolf. The history of liberty in Germany. Pp. 176. London: V. Gollancz. 1946.

Paul-Boncour, J. Entre deux guerres; souvenirs sur la Troisième République; vols. 2 and 3. Pp. 435, 330. N.Y.: Bretano's. 1947.

Riedmatten, Léon de. Le communisme: d'où vient-il? Où nous mène-t-il? Pp. 119. Versailles: Éditions de l'Observateur. 1946.

Short, Ernest. Railways and the state; the problem of nationalisation. London: Hollis. 1946.

Vernadsky, George. Medieval Russian laws. Pp. 106. N.Y.: Columbia Univ. Press. 1947.

Wilcox, E. V. Acres and people; the eternal problem of China and India. Pp. 297. N.Y.: Orange Judd. 1947.

Wood, G. L., ed. Australia; its resources and development. Pp. 351. N.Y.: Macmillan. 1947.

Articles

Algeria. Evolution in Algeria. *Robert Montagne.* Int. Affairs. Jan., 1947.

Australia. Reports of proceedings at judges' chambers. *F. D. Cumbræ-Stewart.* Section 116 of the constitution and the territories of the commonwealth. *H. T. Gibbs.* Commonwealth control of states. *W. A. Harrison.* Aus. Law Jour. Feb. 14, 1947.

Austria. The economic and political background of Austria. *Victor Heller.* Jour. of Cent. European Affairs. Oct., 1946.

———. Can Austria Survive? *P. O. Lapis.* Fortnightly. Feb., 1947.

Brazil. Economic conditions of Brazil at the present stage [in Russian]. *O. Klesmet.* World Economics and Politics [Russian]. Oct.-Nov., 1946.

British Commonwealth. Socialism and the colonies. *A. Calder-Marshall.* Fortnightly. Feb., 1947.

Canada. The special nature of Canadian federalism. *F. R. Scott.* Patents in relation to monopoly; a rejoinder. *H. G. Fox.* Canadian wartime price controls, 1941-6. *K. W. Taylor.* Statutes, orders, and official statements relating to Canadian wartime economic controls. *Sheila I. Stewart.* Can. Jour. of Econ. & Pol. Sci. Feb., 1947.

———. The Canadian labour movement. *W. E. Greening.* Contemp. Rev. Feb., 1947.

- . Why and how Canada federated. *Wilfrid Eggleston*. Freedom & Union. Mar., 1947.
- . Alignment of parties. *F. R. Scott*. Can. Forum. March, 1947.
- . Social credit in Quebec. *Herbert F. Quinn*. Can. Forum. March, 1947.
- . Taxation of co-operatives. *Ralph S. Staples*. Can. Forum. March, 1947.
- . Recognition of foreign divorces; a reply to a criticism. *Raphael Tuck*. Insanity as a criminal defence. *W. C. Meredith*. Can. Bar Rev. Mar., 1947.
- China.** Chinese people in struggle against reaction [in Russian]. *V. Avarin*. World Economics and Politics [Russian]. Sept., 1946.
- . A closer view of China's problems. *Francis L. K. Hsu*. Some economic documents relating to the genesis of the Japanese-sponsored regions in north China. *T. K. Koo*. Far Eastern Quar. Nov., 1946.
- . The Chinese in southeast Asia. *Amry Vandenbosch*. Jour. of Pol. Feb., 1947.
- . China's new agony. Destroying the people's livelihood. The Chinese constitution. The Chinese association of labor. China's road to chaos. The way out. *Editors*. Amerasia. Mar., 1947.
- . China's forbidden crisis. *Gunther Stein*. Education in Manchuria. *Everett D. Hawkins*. Far Eastern Survey. Mar. 12, 1947.
- . Social implications of tin-mining in Yunnan. *Shih Kuo-heng*. Pacific Affairs. Mar., 1947.
- . The complex problem of China. *Paul M. A. Linebarger*. Yale Rev. Spring, 1947.
- Czechoslovakia.** Czechoslovakia's road to socialism. *Winifred N. Hadsel*. Foreign Policy Rep. Feb. 15, 1947.
- Denmark.** The golden rule in Denmark. *John Herling*. Survey Graphic. Feb. 1947.
- France.** The trend of the law in France. *Benjamin H. Conner*. Wis. Law Rev. Jan., 1947.
- . France in crisis. *John Pollock*. Memories of the resistance in France. *Otto Ernst*. Contemp. Rev. Feb., 1947.
- . La charte des sinistrés. *Maurice Langlet*. Le plan Monnet et l'agriculture. *René Cercler*. Étude d'une réforme administrative en Afrique Occidentale et Equatoriale Française. *D. P. de Pedrals*. Rev. Pol. et Parl. Feb., 1947.
- . The new French constitution. *André Géraud*. The French financial dilemma. *Charles Rist*. French labor goes left. *Henry W. Ehrmann*. For. Affairs. Apr., 1947.
- General and Comparative.** The meaning of law in the common law tradition. *Anton-Hermann Chroust*. Notre Dame Lawyer. Jan., 1947.
- . The popular view of bureaucrats. *J. J. Corson*. The French and British views of bureaucrats. *David A. Morse*. Why bureaucracy is belittled. *G. L. Belsley*. Person. Admin. Jan., 1947.
- . Administrative interchange: Brussels and Havana. *H. P. Castleberry*. Pub. Admin. Rev. Winter, 1947.
- . The edict of Diocletian; a study of price-fixing in the Roman empire. *H. Mitchell*. Can. Jour. of Econ. & Pol. Sci. Feb., 1947.
- . Latin American revolutionary cycle. *H. B. Murkland*. Current Hist. Mar., 1947.
- . Administration in Pacific islands. *Felix M. Keesing*. Far Eastern Survey. Mar. 26, 1947.
- . The resistance and the political parties of western Europe. *Gabriel A. Almond*. Pol. Sci. Quar. Mar., 1947.

———. Labor and democracy in Latin America. *Serafino Romnaldi*. For. Affairs. Apr., 1947.

Germany. Agrarian reform in the Soviet zone of occupation of Germany [in Russian]. *A. Petronshov*. World Economics and Politics [Russian]. Sept., 1946.

———. The American denazification program in Germany. *Harold Zink*. Jour. of Cent. European Affairs. Oct., 1946.

———. Quadripartite rule in Berlin. *Annas Whyte*. Int. Affairs. Jan., 1947.

———. Civil service reform in Germany. *Arnold Brecht*. Investigating German personnel management techniques. *J. A. Delefsen*. Person. Admin. Jan., 1947.

———. The Jewish labor committee and the anti-nazi resistance movement. *Jacob Pat*. Labor and Nation. Jan.-Feb., 1947.

———. Political commissars in the luftwaiffe. *Norman E. Caldwell*. Jour. of Pol. Feb., 1947.

———. Can Germany be re-educated? *John Stonborough*. Nat. Rev. Feb., 1947.

———. The German balance sheet. *Felix E. Hirsch*. Current Hist. Mar., 1947.

———. German finance in world war II. *R. W. Lindholm*. Am. Econ. Rev. Mar., 1947.

———. Alternatives for Germany. *Allen W. Dulles*. For. Affairs. Apr., 1947.

Great Britain. Some aspects of the use of statistics in government, with special reference to the human budget. *Lord Woolton*. Jour. of Royal Stat. Soc. Part I, 1946.

———. Struggle around the nationalization of industry in England [in Russian].

D. Zorina. World Economics and Politics [Russian]. Oct.-Nov., 1946.

———. National and local finance. *Ursula K. Hicks*. Econ. Jour. Dec., 1946.

———. Change and continuity in the Tudor constitution. *George L. Mosse*. Speculum. Jan., 1947.

———. The trend of the law in England. *Amos J. Peaslee*. Wis. Law Rev. Jan., 1947.

———. Economic situation of Great Britain. *Christopher Hollis*. Soundings. Feb., 1947.

———. Britain's need of manpower. *Editors*. Labour. Feb., 1947.

———. Contemporary conservatism. *W. L. Burn*. Greece and English liberals. *P. A. Voigt*. Nineteenth Cent. Feb., 1947.

———. The nationalization of transport. *Herbert T. Banyard*. Fortnightly. Feb., 1947.

———. Socialist dilemmas. "B." Nat. Rev. Feb., 1947.

———. Witchcraft. *Editors*. Aus. Law Jour. Feb. 14, 1947.

———. Awaiting the crash [Labor cabinet]. *Arthur Page*. Nat. Rev. Mar., 1947.

———. Middle England. *E. L. Woodward*. For. Affairs. Apr., 1947.

Hungary. Hungary's agrarian revolution. *Leland Stowe*. For. Affairs. Apr., 1947.

India. Indian struggle for independence [in Russian]. *V. Bushevitch*. World Economics and Politics [Russian]. Sept., 1946.

———. The social security movement in India. *A. N. Agarwala*. Econ. Jour. Dec., 1946.

———. Economic planning under the Indian constitutional proposals. *R. K. Mukerjee*. Cotton textile control in India. *M. K. Vellodi*. Indian Christian women and nation-building. *Lady Runganadan*. The place of the Indian Christian community in the new India. *S. D. Malaiperuman*. The proposed new constitution for India with special reference to labour. *Jemnadas Mehta*. India's constitutional task. *H. V. Hodson*. Asiatic Rev. Jan., 1947.

———. Caste in India. *William P. Barton*. Fortnightly. Feb., 1947.

Indo-China. For a French Indo-Chinese federation. *Pierre Gourou*. Annamese nationalism *Dang-chân-Lieu*. Pacific Affairs. Mar., 1947.

Indonesia. Nationalism in Indonesia. *Barbara Whittingham-Jones*. Contemp. Rev. Feb., 1947.

———. Government in Indonesia. *George McT. Kahin*. Far Eastern Survey. Feb. 26, 1947.

———. The Indonesian problem. *J. H. A. Logemann*. Capitalism in Indonesia. *J. S. Furnivall*. Pacific Affairs. Mar., 1947.

Italy. The way of the fascist Italy [in Russian]. *P. Lissovsky*. World Economics and Politics [Russian]. Oct.-Nov., 1946.

———. Italy, cripple or convalescent. *Salvatore Gentili*. Current Hist. Mar., 1947.

Japan. Aspects of personal character in Japan. *D. G. Haring*. Far Eastern Quar. Nov., 1946.

———. Japan after capitulation [in Russian]. *H. Eydus*. World Economics and Politics [Russian]. Oct.-Nov., 1946.

———. Leaders of labor in new Japan. *Mark Starr*. Labor and Nation. Jan.-Feb., 1947.

———. The new Japanese constitution—Part II. *David Nelson Rowe*. Far Eastern Survey. Feb. 12, 1947.

Korea. Civil service comes to Korea. *H. L. Buckardt*. Person. Admin. Jan., 1947.

———. The Korean minority in Japan. *David Conde*. Far Eastern Survey. Feb. 26, 1947.

———. Korea; the first year of liberation. *George M. McCune*. Pacific Affairs. Mar., 1947.

———. The impasse in Korea. *R. T. Oliver*. Am. Mercury. Apr., 1947.

Malaya. Nationalism and politics in Malaya. *P. T. Bauer*. For. Affairs. Apr., 1947.

Manchuria. Manchuria's postwar economy. *Everett D. Hawkins*. Far Eastern Survey. Feb. 12, 1947.

———. The rape of Manchuria. *Georgia Moorad*. Am. Mercury. Mar., 1947.

Mexico. Monetary problems in Mexico. *Raul Ortiz Mena*. Jour. of Bus. Jan., 1947.

New Zealand. New Zealand advances under labor rule. *Marc T. Greene*. United Nations World. Feb., 1947.

Palestine. A note on Jewish leaders in Palestine. *Uriel G. Foa*. Jewish Soc. Studies. Jan., 1947.

———. Underground in Palestine. *Moshe Brilliant*. Harper's. Mar., 1947.

Poland. The educational institutions of Polish Jewry, 1921-1934. *Nathan Eck*. Jewish Soc. Studies. Jan., 1947.

———. The Polish pantomime. *Freda Bruce Lockhart*. Nineteenth Cent. Feb., 1947.

———. Poland's troubled elections. *Sidney B. Fay*. Current Hist. Mar., 1947.

South Africa. In South Africa today: Whither? *Junius*. Justice. *Charles Don*. Uno's action. *Alexander Campbell*. Nat. Rev. Feb., 1947.

Soviet Union. Soviet law of inheritance; part I. *Vladimir Gsovski*. Mich. Law Rev. Jan., 1947.

———. Trained to raise hell in America [Lenin's School]. *Junius B. Wood*. Nation's Bus. Apr., 1947.

Switzerland. Europe and the Swiss system. *H. G. Daniels*. Contemp. Rev. Feb., 1947.

INTERNATIONAL RELATIONS

Books and Pamphlets

Bernstein, Victor H. Final judgment; the story of Nuremberg. Pp. 301. N.Y.: Boni and Gaer. 1947.

Blaine, Anita, Cassels, Edwin H., Embrse, Edwin R., Waymack, W. W., and Wright, Quincy. The world at the crossroads. Pp. 160. Chicago: World Citizens Assoc. 1947.

Committee Against Mass Expulsion. The land of the dead; study of deportations from eastern Germany. Pp. 32. N.Y.: Author, 112 E. 19 St. 1947.

Dean, Vera Micheles. Russia: menace or promise. Pp. 166. N.Y.: Henry Holt. 1947.

Hankey, Lord, Diplomacy by conference; studies in public affairs, 1920-1946. Pp. 179. N.Y.: Putnam. 1947.

Hart, Liddell, and Henry, Basil. The revolution in warfare. Pp. 135. New Haven (Conn.): Yale Univ. Press. 1947.

Hirsch, Richard. The soviet spies; The story of Russian espionage in North America. Pp. 92. N.Y.: Duell, Sloan, and Pearce. 1947.

Jackson, Robert H. The Nuremberg case; together with other documents. Pp. 286. N.Y.: Knopf. 1947.

Jomini, Gen. Antoine H. The art of war. Pp. 161. Harrisburg (Pa.): Military Service Pub. Co. 1947.

Kelley, D. McGlashan. Twenty-two cells in Nuremberg; a psychiatrist examines the Nazi criminals. Pp. 255. N.Y.: Greenberg. 1947.

Livesey, William E. Mahan on sea power. Pp. 347. Norman: Univ. of Okla. Press. 1947.

Mendelssohn, Peter de. Design for aggression; the inside story of Hitler's war plans. Pp. 283. N.Y.: Harper. 1947.

Thomas, Norman M. Appeal to the nations. Pp. 188. N.Y.: Henry Holt. 1947.

Venkatasubbiah, Hiranyappa. Foreign trade of India, 1900-1940. Pp. 83. London: Oxford Univ. Press. 1946.

Articles

Atomic Energy. Which way atomic control? *Thomas J. Hamilton.* Freedom & Union. Mar., 1947.

Canada. Canada's rôle in the search for world peace. *Paul Martin.* Can. Bar Rev. Mar., 1947.

The Church. The church and international affairs. *C. E. Hudson.* Int. Affairs. Jan., 1947.

Diplomacy. The old and the new diplomacy. *E. L. Woodward.* Yale Rev. Spring, 1947.

Displaced Persons. Not sympathy, but action. *W. S. Bernard.* Survey Graphic. Feb., 1947.

———. Places for displaced persons. *Alvin Johnson.* Yale Rev. Spring, 1947.

Hong Kong. The future of Hong Kong. "*Sinimite.*" Nat. Rev. Feb., 1947.

India. Hindu and Afghan on the Indian frontier. *William Barton.* Contemp. Rev. Feb., 1947.

International Law. Om begreppen anfall och anfallskrig i historisk belysning. *Helge Granfelt.* Till frågan om internationellt erkännande. *Richard Rank.* Nordisk Tidsskrift for Int. Ret. Vol. 17, 1946.

———. International justice through law. *Wayne L. Morse.* Ore. Law Rev. Dec., 1946.

———. The crime of aggression and the future of international law. *Philip C. Jessup.* Pol. Sci. Quar. Mar., 1947.

International Propaganda. Telling the world about America. *Dick Fitzpatrick.* Pub. Opin. Quar. Winter, 1946-47.

International Trade and Finance. Arbitration! an instrument of sound banking in foreign trade. *Luis Latapi.* Arbitration Jour. Winter, 1946.

- . British and U. S. investment overseas, 1945-1946. *P. D. J. Druiff*. Future of international monetary plans. *R. F. Harrod*. Soundings. Feb., 1947.
- . The international bank. *Nathaniel Weyl* and *M. J. Wasserman*. *Am. Econ. Rev.* Mar., 1947.
- . The spice of world trade. *Lawrence Galton*. *Nation's Bus.* Mar. 1947.
- . World bank and world trade. *Alzada Comstock*. *Current Hist.* Mar., 1947.
- . If we really want international trade. *C. Hartley Grattan*. *Harper's*. Apr., 1947.
- Military Government.** Military government; administration of occupied territory. *Eberhard P. Deutsch*. *Am. Bar. Assoc. Jour.* Feb., 1947.
- Peace Problems.** Evaluating the Potsdam plan. *F. A. Hermans*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.
- . Les données actuelles du problème allemand. *René Larre*. Les réparations, base de coopération internationale. *R. Chavagner*. *Rev. Pol. et Parl.* Feb., 1947.
- . Qui tient la Bohême tient l'Europe. *Paul Valayer*. *Rev. Pol. et Parl.* Feb., 1947.
- . Quadripartite control in Germany. *C. P. Harvey*. *Nat. Rev.* Mar., 1947.
- . Germany is our peace frontier. *J. Lacey Reynolds*. *Nation's Bus.* Mar., 1947.
- . To keep Germany peaceful. *Patrick Welch*. *Freedom & Union.* Mar., 1947.
- Pius XII.** Pope Pius XII, apostle of world peace. *D. A. MacLean*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.
- Private International Law.** American-Swiss private international law. *Arthur Nussbaum*. *Columbia Law Rev.* Mar., 1947.
- Regions.** Some regional economic problems of the middle east. *K. A. H. Murray*. *Int. Affairs.* Jan., 1947.
- . Les detroits, goulot pour la navigation et pour la politique mondiale; part II. *J. F. Kover*. *Rev. Pol. et Parl.* Feb., 1947.
- . Pan Americanism and internationalism. *Luis Quintanilla*. *Bull. Pan Am. Union.* Feb., 1947.
- . Land use in southeast Asia. *Robert L. Pendleton*. *Far Eastern Survey.* Feb. 12, 1947.
- . Recent steps in the organization of the inter-American system. *William Manger*. *Bull. Pan Am. Union.* March, 1947.
- Soviet Union.** Russia's foreign economic policy. *Vera Micheles Dean*. *Foreign Policy Rep.* Feb. 1, 1947.
- . Russia and Azerbaijan. *Christopher Sykes*. *Soundings.* Feb., 1947.
- . Soviet policy toward disarmament. *Marina Salvin*. *Int. Conciliation.* Feb., 1947.
- . What Russia says about us. *Junius B. Wood*. *Nation's Bus.* Mar., 1947.
- . Russia and the German state. *F. A. Voigt*. *Nineteenth Cent.* Mar., 1947.
- . The goal of Soviet policy. *James Burnham*. *Am. Mercury.* Apr., 1947.
- Spain.** New documents on the part played by Franco Spain in war [in Russian]. *O. Arturov*. *World Economics and Politics* [Russian]. Oct.-Nov., 1946.
- . Spain and the United Nations. *Edward James Schuster*. *Catholic World.* Mar., 1947.
- UNESCO.** UNESCO in Paris. *Charles S. Johnson*. *Survey Graphic.* Feb., 1947.
- . UNESCO faces two worlds. *Byron Dexter*. *For. Affairs.* Apr., 1947.
- UNRRA.** What has UNRRA done? *W. R. Gordon*. *Fortnightly.* Feb., 1947.

War Crimes. Nurnberg war crimes trial [in Russian]. *M. Gus.* World Economics and Politics. [Russian]. Oct.-Nov., 1946.

———. Judgment of the international military tribunal against major war criminals and criminal organizations. *International Military Tribunal.* Dissenting opinion of the Soviet member of the tribunal. *I. T. Nikitchenko.* Final report to the president concerning the Nurnberg war crimes trial. *Robert H. Jackson.* Temple Law Quar. Dec., 1946.

———. The Nuremberg trial and international law. *George A. Finch.* The law of the Nuremberg trial. *Quincy Wright.* Am. Jour. of Int. Law. Jan., 1947.

———. The significance of the Nurnberg trials for Germany and the world. *Karl Jaspers.* Notre Dame Lawyer. Jan., 1947.

———. The issues of the Nuremberg trial. *Herbert Wechsler.* Pol. Sci. Quar. Mar., 1947.

World Organization. The twenty-fifth year of the world court. *Manley O. Hudson.* Am. Jour. of Int. Law. Jan., 1947.

———. Strong nations or strong states? *Douglas Woodruff.* Int. Affairs. Jan., 1947.

———. Does world government mean more government? *Pearl S. Buck.* The world supreme court. *J. G. Guerrero.* United Nations World. Feb., 1947.

———. The ideology of the United Nations charter and the philosophy of peace of Immanuel Kant, 1795-1945. *Carl J. Friedrich.* Jour. of Pol. Feb., 1947.

———. Narcotics control under the UN. *Helen Howell Moorhead.* Far Eastern Survey. Mar. 12, 1947.

———. The international wheat council. *Francis A. Linville.* Dept. of State Bull. Mar. 16, 1947.

———. The international children's emergency fund. *J. J. Charnow.* Dept. of State Bull. Mar. 16, 1947.

———. Union for Europe, but not for us. *Owen J. Roberts.* Freedom & Union. Mar., 1947.

———. Housekeeping for the family of nations. *Edith Iglauer.* Harper's. Apr., 1947.

———. Europe: split or united? *Alexander Galin.* For. Affairs. Apr., 1947.

World War II. Last days in Hitler's air raid shelter. *Robert E. Work.* Pub. Opin. Quar. Winter, 1946-47.

LOCAL GOVERNMENT

Books and Pamphlets

Allen, Robert S., ed. Our fair city. Pp. 395. N.Y.: Vanguard. 1947.

Bloom, Vera. There's no place like Washington. Pp. 296. Garden City (N.Y.): Blue Ribbon Bks. 1944.

Hayes W. J., and *Netboy, Anthony.* The small community looks ahead. Pp. 288. N.Y.: Harcourt. 1947.

Tompkins, Dorothy C., Comp. State and local finance and taxation; a bibliography of materials published 1941-1946 [mimeographed]. Pp. 101. Berkeley: Bur. of Pub. Administration, Univ. of Cal. 1947.

Yocum, J. C., and *Whipple, J. P.,* Municipal provision of parking facilities—state laws and city projects. Pp. 122. Columbus: Ohio State Univ. 1946.

Articles

Constitutional Reform. What cities need in the constitution. *M. L. Wallerstein.* Tenn. Law Rev. Feb., 1947.

- Counties.** County government and constitutional revision. *M. H. Satterfield*. Tenn. Law Rev. Feb., 1947.
- . County and township government in 1945. *Clyde F. Snider* and *Neil F. Garvey*. Am. Pol. Sci. Rev. Feb., 1947.
- Court Decisions.** New court decisions affecting cities and villages. *R. J. Cunningham*. The Municipality. Feb., 1947.
- Health.** Health insurance plan of greater New York. *A. Pleydell*. Am. Jour. of Econ. & Sociol. Jan., 1947.
- Highways.** Municipal-state coöperation in the development of urban highways. *Spencer Miller*. N.J. Municipalities. Mar., 1947.
- Home Rule.** Municipal home rule in California: IV—sections 12 and 13 of article XI of the California constitution. *John C. Peppin*. Calif. Law Rev. Dec., 1946.
- Insurance.** A survey of municipal insurance practices in Michigan cities. *J. G. McKevitt*. Mich. Mun. Rev. Mar., 1947.
- Labor.** Local regulation of discriminatory employment practices. *Alex Elson* and *Leonard Schanfield*. Yale Law Jour. Feb., 1947.
- Local Government Abroad.** The British council in the field. *W. C. Atkinson*. Nineteenth Cent. Feb., 1947.
- Medieval Local Government.** The development of town government in twelfth century Montpellier. *A. R. Lewis*. Speculum. Jan., 1947.
- Public Works.** Establishing efficient public works organization. *C. J. Keller*. The Municipality. Mar., 1947.
- Sewage.** Keeping sewage plants fit. *L. F. Warrick* and *G. F. Bernauer*. The Municipality. Mar., 1947.
- State-Local Relations.** A chart for state-local relations. *Frank Banc*. Pub. Management. Feb., 1947.
- Streets and Alleys.** The urban street problem. *J. R. Law*. The Municipality. Jan., 1947.
- . The challenge of street lighting to the electric utilities. *E. C. Powers*. Pub. Util. Apr. 10, 1947.
- Taxes.** The trend of municipal tax delinquency. *F. L. Bird*. Municipal tax collections and delinquency trends in Canada. *J. A. Barclay*. Mun. Finance. Feb., 1947.
- . Debt service costs as a factor in municipal property tax requirements. *James A. Arnold, Jr.* N. J. Municipalities. Feb., 1947.
- . Property values, tax levies and rates for municipalities over 2500 population. *R. A. Whitaker*. Minn. Mun. Mar., 1947.
- . Some problems in connection with revenue bonds. *H. L. Severson*. Am. City. Mar., 1947.
- Transportation.** Public trustees of the Boston elevated railway. *W. S. Monahan*. Boston Univ. Law Rev. Jan., 1947.
- . Moving the masses in the city of tomorrow; parts I & II. *H. N. Oliphant*. Pub. Util. Mar. 27, Apr. 10, 1947.
- Water.** Mattoon, Ill., unifies water supply. *John A. Goets* and *R. D. Wilson*. Am. City. Mar., 1947.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

- Bonsal, Stephen*. The cause of liberty. Pp. 240. London: Joseph. 1947.
- Cater, Harold Dean* (comp.). Henry Adams and his friends; a collection of his unpublished letters. Pp. 1016. Boston: Houghton. 1947.
- Civic Federation*, Chicago. Salary rate structure of the local governments of Chicago. Pp. 45. Chicago: Civic Federation. 1946.

Colcord, J. C. Your community; its provision for health, education, safety, and welfare; 3rd ed. Pp. 263. N.Y.: Russell Sage Found. 1947.

Ensor, R. C. K. Some reflections on Herbert Spencer's doctrine that progress is differentiation. Pp. 28. London: Oxford. 1947.

Ewing, Alfred C. The individual, the state, and world government. Pp. 322. N.Y.: Macmillan. 1947.

Feibleman, James K. The revival of realism; critical studies in contemporary philosophy. Pp. 333. Chapel Hill: Univ. of N.C. Press. 1947.

Flynn, John T. The epic of freedom [democracy]. Pp. 127. Phila.: Fireside Press. 1947.

Gardner, B. B. Man in an industrial society. Pp. 21. Chicago: Human Events. 1947.

Gathings, J. A. An introduction to political science; rev. ed. Pp. 305. Ann Arbor (Mich.): Edwards Brothers. 1946.

Gough, J. W., ed. The second treatise of civil government and a letter concerning toleration by John Locke. Pp. 165. Oxford (Eng.): B. Blackwell. 1946.

Holdsworth, William S. Essays in law and history. Pp. 318. London: Clarendon. 1947.

Johnson, Frederick E., ed. Foundations of democracy. Pp. 287. N. Y.: Harper. 1947.

Lewis, Joseph. Thomas Paine, author of the declaration of independence. Pp. 310. N. Y.: Freethought Press. 1947.

Lundberg, G. A. Can science save us? Pp. 122. N. Y.: Longmans, Green. 1947.

Mohmassani, Sobhi. The philosophy of jurisprudence in Islam [in Arabic]. Pp. 351. London: Luzac. 1946.

McKeon, Richard, ed. Introduction to Aristotle, including four complete works. Pp. 696. N. Y.: Modern Library. 1947.

Oakeshott, Michael, ed. Leviathan; or, the matter, forme, and power of a commonwealth, ecclesiasticall and civil by Thomas Hobbes. Pp. 468. Oxford (Eng.): B. Blackwell. 1946.

Ruvo, Vincenzo de. L'evoluzione sociale, nuovi principii e aspetti concreti. Pp. 333. Bari (Italy): Laterza Figli. 1946.

Saïtschick, Robert. Der Staat und was mehr ist, ein Buch über die Grundlagen der künftigen Gesellschaft. Pp. 316. Zurich: Rascher. 1946.

Sherwani, Haroon Khan. Studies in Muslim political thought and administration. Pp. 273. Lahore (India): Sh. M. Ashraf. 1945.

Sturzo, Luigi. Nationalism and internationalism. Pp. 316. N.Y.: Roy, 1946.

Sweezy, Paul M. The theory of capitalist development; principles of Marxian political economy. Pp. 398. London: D. Dobson. 1946.

Weiss, Paul. Nature and man. Pp. 309. N.Y.: Holt. 1947.

White, Frederick R., ed. Famous utopias of the renaissance. Pp. 250. Chicago: Packard & Co. 1946.

Wylie, Philip. An essay on morals. Pp. 220. N. Y.: Rinehart. 1947.

Ypsilon, pseud. Pattern for world revolution [communism]. Pp. 484. Chicago: Ziff-Davis. 1947.

Articles

Bentham. Jeremy Bentham as an economist. *W. Stark.* Econ. Jour. Dec., 1946.

Bolshevism. Bolshevism and Stalinism. *Paul Mattick.* Politics. Mar.-Apr., 1947.

British Ideas. English reform ideas during the French revolution. *Carl B. Cone.* Southwestern Soc. Sci. Quar. Mar., 1947.

Community. Economic, political, and moral communities in the world society. *Richard McKeon*. *Ethics*. Jan., 1947.

Democracy. Democracy in the American tradition. *T. S. Harding*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.

Henry George. Henry George and Karl Marx. *J. H. Holmes*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.

Aldous Huxley. Aldous Huxley and the mystics. *Norman Nicholson*. *Fortnightly*. Feb., 1947.

Individual Development. Philosophy of individual development. *G. W. Esty*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.

Jefferson. Some notes on public administration and administrative law by Thomas Jefferson. *James Hart*. *Jour. of Pol.* Feb., 1947.

Jurisprudence. The case for a jurisprudence of welfare. *A. H. Pekelis*. *Lawyers Guild Rev.* Dec., 1946.

Ludwig Knapp. Ludwig Knapp; a forerunner of Hans Kelsen. *Anton-Hermann Chroust*. *Boston Univ. Law Rev.* Nov., 1946.

Liberalism. Liberalism and individual liberty. *A. Mitchell*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.

Natural Law. The higher law; reaction has permeated our legal thinking. *H. R. McKinnon*. *Am. Bar Assoc. Jour.* Feb., 1947.

———. Conflict or compromise. *C. G. Hope*. *Nineteenth Cent.* Feb., 1947.

Francis Neilson. Crusader for justice. *W. Lissner*. Francis Neilson, an appreciation. *J. Hervey*. *Am. Jour. of Econ. & Sociol.* Jan., 1947.

Philosophy of History. Wilhelm Dilthey and Max Weber; an empirical approach to historical synthesis. *Arnold Bergstraesser*. *Ethics*. Jan., 1947.

———. On the intellectual crisis of our time. *Nathan Rotenstreich*. *Ethics*. Jan., 1947.

———. Declining values in civilization. *Lewis Einstein*. *Fortnightly*. Feb., 1947.

———. Encounters between civilizations. *Arnold J. Toynbee*. *Harper's*. Apr., 1947.

Sex and Society. The books of Wilhelm Reich. *Ethel Goldwater*. *Politics*. Mar.-Apr., 1947.

Status. Status as a political motive. *Sebastian de Grazia*. *Jour. of Liberal Religion*. Winter, 1947.

MISCELLANEOUS

Books and Pamphlets

Cicognani, Amleto Giovanni, ed. Canon law; 2nd, rev. ed. Pp. 906. Westminster (Md.): Newman Bkshop. 1947.

Clough, Shepard B., and Cole, C. W. Economic history of Europe; rev. ed. Pp. 904. Boston: Heath. 1946.

Dreiser, Theodore. An American tragedy; 2 v. in 1. Pp. 856. Cleveland: World Pub. Co. 1947.

Dunham, Barrows. Man against myth. Pp. 320. Boston: Little, Brown. 1947.

Gemmill, P. F., and Blodgett, Ralph H. Current economic problems, 3rd ed. Pp. 768. N.Y.: Harper. 1947.

Gibb, Hamilton, A. R. Modern trends in Islam. Pp. 154. Chicago: Univ. of Chicago Press. 1947.

Raymond, Fred. The limitist [small farms and small business]. Pp. 166. N.Y.: Norton. 1947.

Upson, Lent D. Organized citizen concern with government. Pp. 31. N.Y.: Governmental Research Assoc. 1946.

Articles

Business Thinking. A plan for the study of business thinking. *T. C. Cochran.* Pol. Sci. Quar. Mar., 1947.

Comparative Law Institutes. On institutes for comparative law. *Ernst Rabel.* Columbia Law Rev. Mar., 1947.

Economist and State. The economist and the state. *E. A. Goldenweiser.* Am. Econ. Rev. Mar., 1947.

Jewish History. On Baer and his philosophy of Jewish history. *Isaiah Sonne.* Jewish Soc. Studies. Jan., 1947.

Methodology. Hugo Grotius and the social sciences. *Albert Salomon.* Pol. Sci. Quar. Mar., 1947.

Sociological Concepts. The sociology of right and wrong. *Thomas H. Grafton.* Am. Sociol. Rev. Feb., 1947.

———. A conceptual scheme for the study of social organization. *G. C. Homans.* Am. Sociol. Rev. Feb., 1947.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service Commission

Classification act. Reference manual of decisions of comptroller-general on classification act of 1923, as amended (revised pages). Washington: Govt. Ptg. Off., 1946. 75 p. 20¢.

Commerce Department

Census bureau. City finances: 1945. Portland (Ore.) City government finances in 1945. Washington: Govt. Ptg. Off., 1947. p. 325-336. (processed). (Vol. 1, no. 1.) (There will be 37 of these reports; fifteen have been issued through March, 1947, covering cities of 250,000 population or over.)

———. **Government employment:** Public employment in April, 1946. Washington: Govt. Ptg. Off., Feb., 1947. 7 p. (Government employment, vol. 7, no. 2—final.)

———. **Population:** Employment characteristics of families in the United States, Feb., 1946. Washington: Govt. Ptg. Off., 1947. 6 p. (processed).

———. **Estimated population of the United States, by age, color, and sex: 1940 to 1946.** Washington: Govt. Ptg. Off., 1947. 8 p. (processed).

———. **Recent trends in population replacement.** Washington: Govt. Ptg. Off., 1947. 6 p. (processed).

Congress

House of representatives. Veterans. Manual explanatory of privileges, rights, and benefits provided for persons who served in armed forces of United States during World War I, World War II, or peacetime, and those dependent upon them . . . Washington: Govt. Ptg. Off., 1947. 25 p. (H. doc. 772, 79th Cong., 2d sess.) 40¢.

———. **Campaign expenditures, Special committee to investigate.** Report . . . Washington: Govt. Ptg. Off., 1947. 51 p. (H. rp. 2739, 79th Cong., 2d sess.).

——— *Hearings*, 79th Cong., 2d sess., on H. Res. 645. Washington: Govt. Ptg. Off., 1946. 7 parts. (These include investigations of the National citizens political action committee, CIP political action committee, American federation of labor, National association of manufacturers, American action, Inc., Brotherhood of railroad trainmen, International brotherhood of teamsters, American federation of musicians, United garment workers.)

——— *Pensions committee*. Veterans. Summary of rights and privileges of veterans and dependents of veterans of Spanish-American War, Philippine insurrection, and Boxer Rebellion, Dec. 1, 1946. Washington: Govt. Ptg. Off., 1947. 43 p. 10¢.

——— *Postwar economic policy and planning, Special committee on*. Economic policy. Postwar economic policy and planning, hearings, 79th Cong., 1st and 2d sess., pursuant to H. Res. 60. Washington: Govt Ptg. Off., 1947. Pts. 3 and 9. (Financial problems of transitional period. 2375-2520 p. 30¢. Export of information media, both government and private . . . 2521-2634 p. 25¢.)

——— *Public lands committee*. Study of problems in connection with public lands of United States, tax problems connected with acquisition of such lands, and burden upon local units by reason of use of large tracts of public lands for public use, etc., report pursuant to H. Res. 96, 79th Cong. . . . Washington: Govt. Ptg. Off., 1947. 21 p.

——— *Un-American activities committee*. Investigation of un-American propaganda activities in United States, hearings, 79th Cong., 2d sess., on H. Res. 5, Nov. 22, 1946. (Testimony of Louis F. Budenz concerning activities of Communist party.) Washington: Govt. Ptg. Off., 1946. 73 p. 15¢.

——— Same, revised hearings. 1947. 75 p. 20¢.

Library of Congress

Postwar problems; a current list of United States government publications, Oct.-Dec., 1945. Comp. by Kathrine Oliver Murra with the collaboration of librarians of the federal agencies. Washington, 1947. 271 p. (Furnished only to libraries on request.)

Navy Department

Naval operations office. World War, 1939-45. U. S. Navy at war, 1941-45, official reports to Secretary of Navy; by Ernest J. King. Washington: Govt. Ptg. Off., 1946. 305 p. \$4.00.

Office of Price Administration

Price administration committee, 1941-48. Minutes . . . Washington: Govt. Ptg. Off., 1947. 65 p. (Historical reports on war administration, O.P.A., Miscellaneous publication no. 2.)

President of the United States

Budget bureau. War program. United States at war, development and administration of war program by federal government; prepared under auspices of committee of records of war administration by war records section. Washington: Govt. Ptg. Off., 1946. 555 p. \$1.00. (Historical reports on war administration 1.)

State Department

Organization manual. Washington, 1947. ("This Organization Manual describes the present organizational structure of the Department and sets forth the present

functional assignments to component parts. It constitutes the basic operating directive of the Department" This processed publication, of some 400 un-numbered pages, sets forth all the official regulations governing the organization of the Department.)

The following in the numbered series of State department publications have appeared; all from the Government Printing Office, 1946-47.

2650. Double taxation, taxes on income: convention between the United States of America and the United Kingdom . . . 16 p. 10¢

2652. The Inter-American system: Arrangements between the United States of America and other American republics, embodied in Resolution IX of the final act of the Inter-American conference on problems of war and peace—Signed at Mexico City, Mar. 8, 1945. 15 p. 10¢.

2655. Report to Congress on foreign surplus disposal, Oct., 1946. 59 p. 15¢.

2665. Participation of the United States government in international conferences, July 1, 1941-June 30, 1945. Conference series 89. 232 p. 45¢.

2672. Products on which possible tariff concessions will be considered in reciprocal trade agreement negotiations. Commercial policy series 96. 82 p. Free.

2677. United Nations food and agriculture organization: Constitution adopted by the United States of America and other governments—Signed at Quebec, Oct. 16, 1945. Treaties and other international acts series 1554. 15 p. 10¢.

2679. Act of Chapultepec . . . Treaties and other international acts series 1543. 14 p. 10¢.

2683. North American regional broadcasting: Interim agreement between the United States of America and other governments—Signed at Washington, Feb. 25, 1946 . . . Treaties and other international acts series 1553. 25 p. 10¢.

2684. Declaration regarding Germany by the United States of America and the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the provisional government of the French Republic. Signed at Berlin June 5, 1945 . . . 25 p. 10¢.

2699. International agencies in which the United States participates. 322 p. 65¢. (Describes origin and development, membership, purposes, powers and functions; structure, finances, United States relations, relations with other international organizations, present statutes, and basic texts and publications concerning.)

2704. Legislation, regulations, and orders pertaining to foreign surplus disposal, Dec., 1946. 58 p. Free.

2712. General relations: Treaty between the United States of America and the Philippines . . . Treaties and other international acts series 1568. 8 p. 5¢.

2724. The treaty of Versailles and after, Annotations of the text of the treaty. Conference series 92. 1018 p. Not available for public purchase. See 2757. ("No treaty in history has produced so much comment, has been so freely criticized, and possibly so little read and understood . . ." The annotations were prepared by Denys P. Myers, and Bernadotte E. Schmitt collaborated in their final editing.)

2726. United States National commission for UNESCO: Report on the first meeting. Sept., 1946. 41 p. 25¢.

2728. Preliminary draft charter for the International trade organization of the United Nations. 68 p. 20¢.

2737. International control of atomic energy: the first report of the United Nations atomic energy commission to the Security council, December 31, 1946. 101 p. 25¢.

2743. Treaties of peace with Italy, Bulgaria, Hungary, Roumania, and Finland (English versions). European series 21. 252 p. \$1.00.

2747. Third session of the Council of foreign ministers. New York City, November 4 to December 12, 1946. 13 p. Free.
2752. The problem of the Turkish Straits. Near Eastern series. 68 p. 30¢.
2756. Preliminary proposals for an international trade organization. 24 p. 15¢.
2758. The American trade program: What do we have at stake? By Clair Wilcox. 24 p. 15¢.
2757. The treaty of Versailles and after: Annotations of the text of the treaty. Papers relating to the foreign relations of the United States: The Paris peace conference, 1919. Vol. XIII. 1018 p. \$3.25.
2777. Regulation and reduction of armaments. Action of the General assembly. 33 p. 10¢.
2785. Recommendations on Greece and Turkey. The president's message to the Congress. Mar. 12, 1947. 11 p. Free.
2787. The international children's emergency fund. 6 p. 5¢.
2789. Peace, freedom, and world trade. Address by the President. 14 p. 5¢.
2796. Report of the South Seas conference. 7 p. 10¢.
- . *Office of public affairs*. Greece: a summary of background information. Washington, Mar., 1947. 11 p. (mim.)

War Department

- U. S. Army military government in Korea, Headquarters, Foreign affairs section*. Repatriation from 25 September 1945 to 31 December 1945. Prepared by Captain William J. Gane. 97, 66 p. maps.
- Office of military government for Germany*. Status report on military government of Germany, United States zone. 1946. 46 p. maps (processed).

STATE AND TERRITORIAL

ALABAMA

- University. Bureau of public administration*. The units of government in Alabama. University, 1946. 34 p. Free.

CALIFORNIA

- Department of employment. Research and information section*. California employment and payrolls in 1944 . . . classified by industry and county. Sacramento, 1946. 36 p. (Report 127 #7.)

CONNECTICUT

- Legislative council*. Report, Nov. 20, 1946. Hartford, 1946. 108 p. (Pub. doc. 96.)

INDIANA

- Office of the state superintendent of public instruction*. The study of politics for Indiana schools. Indianapolis, 1947. 111 p. (mim.) (Bulletin no. 185.)

KANSAS

- Legislative council. Research department*. State regulation of alcoholic beverages: constitutional provision and state summaries. Topeka, 1947. 17 p. (mim.)
- University of Kansas, Lawrence. Bureau of business research—Bureau of government research*. Fiscal Kansas. J. D. Morgan, comp. Lawrence, 1947. 99 p.

MARYLAND

- Land office and prerogative court records of colonial Maryland, by Elisabeth Hartsook and Gust Skordas . . . Annapolis, 1946. 124 p. (Publications of the Hall of Records commission no. 4.)

MICHIGAN

Governor. A report to the Michigan legislature, 1943-1946. Lansing, 1946. 125 p.

NEBRASKA

Legislative council. Report of the Nebraska legislative council sub-committee on realignment of legislative committees . . . Lincoln, 1946. 12 p. (mim.)

——— Report of the Nebraska legislative sub-committee on reports of state departments . . . Lincoln, 1946. 9 p. (mim.)

——— Report of the Nebraska legislative council sub-committee on taxation . . . Lincoln, 1946. 55 p. (mim.)

NEW HAMPSHIRE

Planning and development commission. Long range financial programs for municipalities, a sound municipal procedure. Information prepared by William Stanley Parker . . . Concord, 1946. 8 p., charts, tables.

——— Property tax mapping, a profitable municipal procedure . . . Concord, 1946. 8 p.

NEW YORK

Department of audit and control. A preview of local government, 1945-1955. (Addresses at conferences to discuss municipal services and finances.) Albany, 1945, 299 p.

Department of civil service. Salary standardization board. Survey report. Albany 1, N. Y. 1947. 301 p. \$1.50.

Department of commerce. Local planning and zoning, a manual of powers and procedures for citizens and government officials. Albany, 1946. 67 p.

OHIO

Cincinnati. City planning commission. The economy of the Cincinnati metropolitan area. Cincinnati, 1946. 126 p. \$2.50.

OREGON

University of Oregon, Eugene. Bureau of municipal research and service. Comparative property tax rates in Oregon cities, 1946-47 . . . Eugene, 1946. 11 p. (mim.)

——— Occupation and amusement taxes and fees in Oregon cities . . . Eugene, 1946. 29 p. (mim.)

SOUTH CAROLINA

University of South Carolina, Columbia, Bureau of public administration. The merit system in state and local government. Columbia, 1947. 15 p. (mim.) (1947 series on legislative problems, no. 3.)

TENNESSEE

State planning commission. Tennessee state government, a hundred million dollar business. A report on state finances, 1945-1946. Nashville, 1946. 38 p. charts.

VIRGINIA

University of Virginia, University. Bureau of public administration. The administration of liquor control in Virginia, by H. Wesley Ward. Charlottesville, 1946. 206 p. (mim.) map, charts, table.

FOREIGN AND INTERNATIONAL

ARAB OFFICE

An introduction to the past and present of the kingdom of Iraq. 1946. 118 p.

ARGENTINA

Ministerio del interior. Subsecretaria de informaciones. La política internacional de la nación Argentina. Absoluta identidad de su tradición y sus principios con los sustentados en el Acta de Chapultepec, la declaración de México, la declaración de las Naciones Unidas y la Carta del Atlántico, por Carlos Alberto Silva. Buenos Aires, Imp. de la Cámara de Diputados, 1946. 991 p. (This is an elaborate, documented, and indexed exposition of the history, system of laws, and diplomacy of the Argentine Republic.)

Presidencia. Secretaria técnica. Plan de gobierno, 1947-1951 . . . Buenos Aires, 1946. 2 v. maps.

BULGARIA

Ministry of information and arts. The draft constitution of the People's Republic of Bulgaria. Sofia, 1946. 30 p.

CHILE

Archivo nacional. El Archivo nacional; antecedentes de su fundación y resena de la labor realizada desde 1927 a 1945. Santiago de Chile, 1946. 172 p.

Dirección general del registro electoral. Elección extraordinaria general de Presidente de la República en 4 de septiembre de 1946; resumen estadístico de la población electoral de la república, clasificada por departamentos, comunas y circunscripciones civiles . . . al 10 de julio de 1946. Santiago de Chile, Universo, 1946. 14 p.

COLOMBIA

Banco de la República. Medidas sobre control y administración de bienes de extranjeros, 1941-1945 . . . por Dr. Pedro A. Gomez Naranjo . . . Bogotá, Imp. del Banco de la Republica, 1945. 162 p.

Corte suprema de justicia. Juzgamiento por consejos de guerra verbales, los poderes presidenciales durante el estado de sitio, sentencia de la Corte . . . Bogotá, Imp. nacional, 1945. 129 p.

CZECHOSLOVAKIA

Ministerstvo Unutra. Odbro pro politické zpravodajství. Lidice. Cin krvaveho teroru a poruseni zakonu i zakladnich lidskych prav. Praha, 1946. 122, 30 p. plates.

ECUADOR

Universidad de Guayaquil. El imperialismo y la democracia a través de la Doctrina Monroe, por Teodoro Alvarado Garaicoa. Guayaquil, 1946. 80 p. (Publicaciones. Ciencias jurídicas no. 5.)

FRANCE

Ministère des affaires étrangères. Négociations Franco-Américaines relatives à la politique économique internationale. Paris, Imp. Nationale, 1946. 63 p.

GREAT BRITAIN

Terms of League of nations mandates. Textes des mandats de la Société des nations. Lond.: H. M. Stationery Office, 1947. 135. 5/.

Attorney-general. Trial of German major war criminals: by the International military tribunal sitting at Nuremberg, Germany . . . Lond.: H. M. S. O., 1946. 173 p. 2/6.

Foreign office. Proposals for the future of Palestine. Lond.: H. M. S. O., 1947. 14 p. (Cmd. 7044.) /4.

MEXICO

Contruyeno Mexico, 1910-1946. Mexico, Talleres gráficos de la nación, 1946. 165 p.

PANAMA

Constitución de la República de Panamá. Ed. oficial. Panamá, 1946. 81 p.

Congreso. Proyecto de constitución nacional y exposición de motivos presentados al gobierno por la Comisión nombrada por el decreto no. 1056 del 10 de noviembre de 1944 . . . Panamá, Comp. editora nacional, s.a., 1945. 114 p.

SPAIN

Public prosecutor's office. The general cause (causa general): the Red domination in Spain. Preliminary information drawn up by the public prosecutor's office. Madrid, 1946. 365 p. annexes, plates.

UNION OF SOUTH AFRICA

Union of South Africa Government information office. South West Africa and the Union of South Africa: The history of a mandate. New York, 500 Fifth Avenue, (1947?), 108 p. illus.

UNION OF SOVIET SOCIALIST REPUBLICS

Ministerstva inostrannic del. Dokumenty Ministerstva inostrannykh del Germanii. Ogis, 1946. 3 v.

TURKEY

Turkish information office. Convention regarding the régime of the Straits, signed at Montreux, July 20, 1936. Washington, 2326 California St., N.W., 1946. 13 p. (mime.)

YUGOSLAVIA

Memorandum of the government of the Federative People's Republic of Yugoslavia on the economic problem of Trieste, n.p., n.d. 16 p.

Annex to the memorandum . . . n.p., n.d. 29 maps and plates.

Données statistiques sur la structure ethnique de la Marche Julienne. n.p., 1946. 33 p.

Maps relating to the ethnical structure of the Julian March. n.p., n.d. Introductory note and maps.

The trial of Dragoljub-Drasa Mihailovic. Stenographic record and documents from the trial of . . . Mihailovic. Belgrade, 1946. 552 p.

Yugoslav Embassy Information office, London. The treason of Mihailovitch. 81 documents. London, 1945. 71 p. plates. (All the above elaborate documents are distributed by the Yugoslav Embassy, Washington, D. C.)

LEAGUE OF NATIONS

Treaty series; publication of treaties and international engagements registered with the Secretariat of the League of Nations, vol. 205, 1944-1946. Lausanne, Switzerland, 1946. 220 p. (This is the last volume of the series. The United Nations will continue the registration and publication of treaties, in some form. See Resolution of the General Assembly, Dec. 14, 1946.)

PAN AMERICAN UNION

Latin American treaty developments, 1944. Washington, Pan American Union, 1947. 63 p. (mim.) (Law and treaty series no. 21.) (This is a detailed statement to accompany the "Status of the Pan American treaties and conventions, revised to January 1, 1947—which is a part of this publication. Such a list is issued each January and July, but this is the first publication of the other information, as up to this time (i.e., 1938 to 1943 inclusive) such a compilation has appeared annually in the Handbook of Latin American Studies. However, that has been discontinued, and it is planned by the Pan American Union to continue the publication listed above, annually from now on.)

UNITED NATIONS

Agreement between the United Nations and the Food and agriculture organization of the United Nations. Lake Success, N. Y., 1947. 23 p. (Text in English and French.)

Agreement between the United Nations and the International labour organization. Lake Success, N. Y., 1947. 20 p. (Text in English and French.)

Agreement between the United Nations and the United Nations Educational, scientific, and cultural organization. Lake Success, 1947. 24 p. (Text in English and French.)

Advisory group of experts on administrative personnel and budgetary questions. Report . . . to the Secretary-general of the United Nations. Lake Success, N. Y., 1946. 28 p.

Atomic energy commission. Official records. Special supplement: Report to the Security Council. Lake Success, N. Y., 1946. 141 p. (French and English text in parallel columns.)

Food and agriculture organization for Greece. Report of the FAO mission for Greece. Washington, Mar., 1947. 188 p. maps.

Inter-allied reparations agency. First report of the secretary-general for the year 1946. 69 p.

Intergovernmental committee on refugees. Preparatory documents concerning the adoption of an identity and travel document for refugees coming within the mandate of the intergovernmental committee. Geneva, Switzerland, 1946, 157 p., folders, charts.

Preparatory committee of the United Nations conference on trade and employment. Report of the first session. London, Oct., 1946, 67 p., 25¢.

United Nations Educational, scientific, and cultural organization. Conference for the establishment of . . . London, Preparatory commission UNESCO, 1946. 155 p. 4/.

United Nations educational, scientific, and cultural organization. General conference, 1st, Paris, 1946. Journal . . . Nov., 1946—13/16 Dec., 1946. 22 numbers. (Text in parallel columns, in French and English.)

World health organization. Interim commission. A fact book. New York, 1947. 15 p. (mim.)

NOTES ON SOME RECENT DOCUMENTARY MATERIALS

JAMES B. CHILDS

Library of Congress

The constitution of the French Republic as approved by popular vote on October 13, 1946, and promulgated by Georges Bidault, president of the Provisional Government, on October 27, was printed in the *Journal officiel de la République Française*, pp. 9166-9175, and is conveniently and inexpensively available at the Imprimerie des Journaux Officiels, Paris, in a pamphlet of 24 pages, same format, as no. 427 of the *Extraits du Journal officiel*, under the title *Constitution de la République Française*. . . . Also included in this pamphlet are the laws of October, 1946, relative to the Conseil de la République, the Conseil Économique, the Assemblée de l'Union Française, the Haute Cour de Justice, and the election of members of the Assemblée Nationale. The constitution and the related laws are also to be found conveniently in the octavo volume (495 pp.) entitled *Recueil des lois adoptées par l'Assemblée Nationale Constituante élue le 2 juin 1946 et promulguées du 12 juillet 1946 au 30 octobre 1946*. As voted on September 28, 1946, by the second Assemblée Nationale Constituante, the constitution was first printed in an octavo pamphlet of 36 pages of the slip law series *Proposition de loi adoptée*.

Proceedings of the committee drafting the constitution were printed in a compact octavo volume of 808 pages at the Imprimerie de l'Assemblée Nationale Constituante under the title *Séances de la Commission de la Constitution: Comptes rendus analytiques, imprimés en exécution de la résolution votée par l'Assemblée le 2 octobre 1946*. M. André Philip was the committee chairman. Forty-eight sessions from June 20 through October 3 were held by this large committee of forty-two members. Debates seem to have been reported in full. The present volume, together with the corresponding one for the first Assemblée Nationale Constituante, forms the full official record of the special problems involved in the drafting of the French constitution, and deserves to be more widely known.

Not until 1946 did the familiar blue paper-covered permanent edition appear of the debates of the French Chamber of Deputies for the sessions of 1940 from January 9 to July 9 in a single volume of 332 pages printed at the Imprimerie des Journaux Officiels and having the title *Annales de la Chambre des Députés, 16e législature: Débats parlementaires, sessions ordinaire et extraordinaire de 1940*. . . . Included are the debates of the single session of the Assemblée Nationale on July 10, marking the close for the time being of the parliamentary régime. Originally the debates had been printed from day to day as special supplements of the *Journal officiel*.

The appearance also in 1946 of the author volume (lxxx, 559 pp.) of the index to the documents of the French Senate and Chamber of Deputies in the 16th Legislature, 1936-40, gives evidence of the considerable mass of currently printed documents in addition to the *Annales parlementaires* that would seem to be desirable for a full understanding of the French legislative process during this important period. The title of the index is *Table alphabétique (nominative et méthodique) des impressions du Sénat et de la Chambre des Députés pour la seizième législature (du 1er juin 1936 au 31 mai 1948)*, and oddly enough it has the imprint "Imprimerie de la Chambre des Députés." According to the preface of this first volume, the full official collection of the currently printed documents for the period amounts to a hundred volumes. For the Senate, the following series may be mentioned: *Feuilletons; Amendements; Pétitions; Bulletin des commissions; Projets et propositions de loi et résolutions adoptés; and Projets, propositions de loi, et rapports d'intérêt général*.

For the Chamber of Deputies, the following may be mentioned: *Feuilletons; Amendements; Pétitions; Bulletin des commissions; Projets et propositions de loi et résolutions adoptés; Projets de loi et rapports d'intérêt local; and Projets et propositions de loi et rapports d'intérêt général.*

Draft of the proposed constitution of the republic of Italy as approved by the Commissione per la Costituzione was presented to the presidency of the Assemblea Costituente on January 31, 1947, as a pamphlet of 36 pages (8×11 in.) printed by the Tipografia della Camera dei Deputati under the title *Progetto di costituzione della Repubblica Italiana.*

The Commissione per la Costituzione of the Constituent Assembly, which held its first plenary session on July 20, 1946, organized with three subcommittees. Rights and duties of the citizen formed the assignment of the first sottocommissione of 16 members. Constitutional organization of the state constituted the assignment of the second sottocommissione of 36 members. Economic and social affairs were allotted to the third sottocommissione of 16 members. On July 26, the subcommittees began to sit. Proceedings of the plenary sessions of the committee, as well as of the subcommittees, were printed in separate series (8×11 in.), each having the title *Resoconto sommario*, issued from day to day in signatures. Publication in volume form of the materials of the Constitutional Committee has been started under the title *Atti della Commissione per la Costituzione*. Vol. 1 (270 pp.) of the *Atti* is composed of "studi di legislazione costituzionale comparata," and vol. 2 of "relazione e proposte," being drafts and reports presented in subcommittee. Subsequent volumes are to include the "verbali" of the committee and of the subcommittees already printed and distributed from day to day.

As a basis for the constitution-drafting, the Constitutional Committee had the benefit of the documents prepared by the Ministero per la Costituente, created by decree 435, July 31, 1945. This ministry functioned through three committees: Commissione Economica Commissione per Studi Attinenti alla Riorganizzazione dello Stato, and Commissione per lo Studio dei Problemi del Lavoro. Work of the Economic Committee was initiated on October 29, and of the Committee on the Organization of the State on November 21. Hearings, studies, and reports of the Economic Commission were printed at the Istituto Poligrafico dello Stato, Rome, 1946, in a series of volumes entitled *Rapporto della Commissione Economica all'Assemblea Costituente*, covering agriculture, industry, monetary problems and foreign trade, credit and insurance, and finance. Hearings, studies, and reports from the Commission on the Reorganization of the State were printed at the Stabilimento Tipografico Fausto Failli, Rome, 1946, under the title *Relazione all'Assemblea Costituente*, vol. 1 being devoted to constitutional problems and organization of the state, vol. 2 to local autonomy, regional problems and local administration, and vol. 3 to public corporations and to sanitary organization. Hearings, studies and reports of the Labor Commission were printed at the Stab. Tip. U.E.S.I.S.A., Rome, 1946, 3 volumes, entitled *Atti della Commissione per lo Studio dei Problemi del Lavoro*. The Ministero per la Costituente was abolished by decree 54, August 2, 1946.

For the Assemblea Costituente itself, which first met on June 25, 1946, the debates are reported from day to day in separate numbers of "atti parlamentari" (8×11 in. page). At the first session, when the provisional president took his seat, the spontaneous expression was "Viva la Repubblica! Viva l'Italia!" On the third day (June 28), Enrico De Nicola was elected as "capo provvisorio dello stato." On the eighth day (July 19), the Constitutional Committee and the Committee on Treaties were constituted.

The legislative decree of March 10, 1946, providing for the election of members of the Constituent Assembly was printed as a 24-page supplement to the *Gazzetta Ufficiale*, March 12, having the title *Norme per l'elezione dei deputati all'Assemblea Costituente*. Lists of the candidates of each of the eleven parties for membership in the Assembly were printed as a supplement to the *Gazzetta Ufficiale*, May 20, 1946. The slate of the Partito Comunista Italiano was the first listed, and that of the Blocco Nazionale della Liberta the last.

The Consulta Nazionale, the advisory legislative body preceding the Constituent Assembly, began its sessions on September 25, 1945, and in the words of the President of the Council of Ministers, "Questa riunione, in quest'aula, solennemente chiude il ciclo della lunga e dolorosa crisi che il fascismo ha introdotto nella storia d'Italia e da quest'aula ha preso inizio." *Atti* (debates) of the Consulta Nazionale were printed from day to day in separate fascicules at the Tipografia della Camera dei Deputati, and seemed to be concerned in considerable part with discussion of a draft "Legge elettorale politica per l'Assemblea Costituente." Legislative bills, reports, etc., were printed in a parallel series as *Documenti*, no. 56 being the draft electoral law. Proceedings of the various committees (Affari Esteri, Affari Politici e Amministrativi, Industria e Commercio, Giustizia, etc.) as well as joint sessions were each printed from day to day in separate series, having the common title *Resoconto sommario*.

Under the date June 20, 1946 (no. 134), the Italian official gazette containing the definite report of the Corte Suprema di Cassazione on the referendum concerning the form of the Government appeared for the first time with the title *Gazzetta Ufficiale della Repubblica Italiana*, the last previous issue having been no. 133 for June 10, under the title *Gazzetta Ufficiale del Regno d'Italia*.

Basic documents for understanding the reestablishment of state government in the United States zone in Germany are contained in the 74-page compilation of the Office of Military Government for Germany (U.S.), Berlin, as of February 15, 1947, under the title *Constitutions of Bavaria, Hesse, and Wuerttemberg-Baden*. The work was prepared by the Civil Administration Division of the Office of Military Government and contains the texts of the three constitutions in English and German in parallel columns, with a brief introduction. Constituent assemblies in each of the three states began work on July 15, 1946, and deliberated for about two and a half months. The constitution of Wuerttemberg-Baden was approved by popular vote on November 24, 1945, and those of Hesse and Bavaria on December 1.

For the period June 1–November 30, 1946, when the constituent assemblies deliberated, the orders of the Office of Military Government for Germany (U.S.) are printed in the 16-page issue B of the *Military government gazette, Germany, United States zone*—*Amisblatt der Militärregierung, Deutschland, Amerikanische Zone*, dated December 1, 1946.

For the International Zone of Morocco at Tangiers, the resumption of the government was marked by issue no 278 of the semi-monthly *Bulletin officiel*, dated November 15, 1945. In this number is contained the Dahir (enactment) of September 22, 1945, dealing with the organization of the Zone administration as of October 11, 1945, placing in effect again the Dahir of February 16, 1924, providing for a Consular Committee of Control, an international Legislative Assembly, and an Administrator (of Belgian, Dutch, Portuguese, or Swedish nationality), chosen by the Committee of Control. By the Dahir of September 22, 1945, all decrees, laws, and regulations between June 13, 1940, and October 11, 1945, during the period of Spanish control, were declared null and void so far as contrary to the acts and conventions forming

the constitution of the Zone. This *Bulletin officiel*, which is also issued in separate Arabic and Spanish editions as well as in French, includes enactments and administrative decrees, legal and judicial notices, and periodic social and economic statistics. No. 277, the last previous issue, is dated December 31, 1940. Supplementing the *Bulletin officiel* is the *Bulletin officiel spécial du Service de la Protection de la Propriété Industrielle* for patent registration, printed likewise in separate French, Spanish, and Arabic editions.

An indication of growing appreciation in Europe of public documents as source materials in understanding the activity of the state is marked by the Schweizerische Landesbibliothek (Swiss National Library) at Bern in inaugurating for the year 1946 an annual bibliography of Swiss official publications under the title *Bibliographie der schweizerischen Amtsdrukschriften—Bibliographie des publications officielles suisses*. The first volume (vi, 69 pp.) is arranged in four groups (Confederation, Cantons, Municipalities, and Bishoprics), and includes 418 titles, accompanied by a careful index. Periodical publications not beginning during the year are excluded. It is to be hoped that other European countries will find the bibliography so practical as to undertake similar recording.

In the extra number of the Japanese *Official gazette*, English edition, for November 16, 1946, is the text of a cabinet instruction and notification adopting for use in all government offices as of that date a standard table of Chinese characters in common use and a modern orthography for Japanese, the purpose stated being to reduce language complications and to adjust the traditional orthography of Japanese to the living language sound. The change is based on the work of the National Language Deliberation Committee. Detailed schedules are not included in the English edition of the *Official Gazette*.

Evidence of the expression of dependent native peoples in the attempt to enlist their coöperation in legislation in reference to their own problems is furnished so far as Northern Rhodesia is concerned in the *Proceedings of the first session of the [African Representative] Council, November, 1946*, a pamphlet of 90 pages printed by the Government Printer at Lusaka. The Council was constituted as a non-statutory body to advise the governor of Northern Rhodesia on matters directly affecting the African population of the colony. The secretary of Native Affairs is the presiding officer, and the 29 members are, with but one exception, representative of the various African provincial councils in Northern Rhodesia, which had with the single exception been meeting regularly for three years. In 1948, the African Representative Council is to elect two members to the Legislative Council. The debates of the first session held November 14-16 at the Jeanes School at Chalimbana are reported in full in English, a note of the language used being made when the member spoke in one of the native languages.

After a lapse of five years, the island government of American Samoa resumed publication of *O le Fa'atonu* ("The Information"), the semi-monthly island newspaper in Samoan and English, with vol. XLIII, no. 1, dated November 13, 1946. The proclamation calling the annual Fono, or General Assembly, for November 12 1946, and the address of Capt. H. A. Houser, the governor of American Samoa, to the Fono, are printed in this first number after the War.

OFFICERS OF THE "AMERICAN POLITICAL SCIENCE ASSOCIATION"

President

ARTHUR W. MACMAHON
Columbia University

First Vice-President
QUINCY WRIGHT
University of Chicago

Second Vice-President
V. O. KEY, JR.
Johns Hopkins University

Third Vice-President
CHARLES FAIRMAN
Stanford University

Secretary-Treasurer
KENNETH COLBROVE
Northwestern University

*Assistant Secretary-
Treasurer*
HARVEY WALKER
Ohio State University

Managing Editor
FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers ex-officio

EDWARD F. DOW
University of Maine
ROBERT J. HARRIS
Louisiana State University
JOHN G. HEINBERG
University of Missouri
WALTER H. C. LAYES
U. S. Bureau of the Budget
CHESTER C. MAXEY
Whitman College
RALPH J. BUNCHE
Howard University
ROBERT H. CONNERY
Stanford University

CHARLES MCKINLEY
Reed College
C. PERRY PATTERSON
University of Texas
HAROLD S. QUIGLEY
University of Minnesota
TAYLOR COLE
Duke University
GEORGE A. GRAHAM
Princeton University
LLEWELLYN FRANKUCHEN
University of Wisconsin
JOHN A. VIEG
Pomona College

BELLE ZELLER
Brooklyn College

FORMER PRESIDENTS

FRANK J. GOODNOW
ALBERT SHAW
FREDERIC N. JUDSON
JAMES BRYCE
A. LAWRENCE LOWELL
WOODROW WILSON
SIMON E. BALDWIN
ALBERT BUSHNELL HART
W. W. WILLOUGHBY
JOHN BASSETT MOORE
ERNEST FREUND
JESSE MACY
MUNRO SMITH
HENRY JONES FORD

PAUL S. REINSCH
LEO S. ROWE
WILLIAM A. DUNNING
HARRY A. GARFIELD
JAMES W. GARNER
CHARLES E. MERRIAM
CHARLES A. BEARD
WILLIAM B. MUNRO
JESSE S. REEVES
JOHN A. FAIRLIE
BENJAMIN F. SHAMBAUGH
EDWARD S. CORWIN
WILLIAM F. WILLOUGHBY
LEIDOR LOEB

WALTER J. SHEPARD
FRANCIS W. COKER
ARTHUR N. HOLCOMBE
THOMAS REED POWELL
CLARENCE A. DYKSTRA
CHARLES GROVE HAINES
ROBERT C. BROOKS
FREDERIC A. OGG
WILLIAM ANDERSON
ROBERT E. CUSHMAN
LEONARD D. WHITE
JOHN M. GAUS
WALTER F. DODD

The American Political Science Review

VOL. XLI

AUGUST, 1947

NO. 4

THE UTILIZATION OF SOCIAL SCIENTISTS IN THE OVERSEAS BRANCH OF THE OFFICE OF WAR INFORMATION

LEONARD W. DOOB
Yale University

Many social scientists employed by the government or in the armed services during the war found their research and scientific wisdom not eagerly accepted, wisely interpreted, or sensibly followed by policy-makers. Unlike some of the old-line departments, the war agencies had no established procedure for utilizing social science. Social scientists had a place on the ever-changing organization charts, sometimes merely because it was somewhat vaguely felt that all kinds of brains, even academic, were necessary to win a total war. Often they had to carve out for themselves the specific rôles they wished to play. They functioned, not in accordance with the charts, but within what Mansfield and Marx¹ call informal organizations of their own making.

In many situations, there was a discrepancy between what social scientists thought they could do and what the policy-makers were prepared to let them do. Some sought deliberately to bridge the gap by promoting and marketing their disciplines and themselves. Like their colleagues in the natural sciences, they wished to be consulted when problems involving their own expertness were involved.

The informal techniques that social scientists employed in behalf of social science and themselves are worth recording because certainly similar ones must often be utilized whenever social scientist meets policy-maker. They should be mentioned to any social

¹ Harvey C. Mansfield and Fritz Morstein Marx, in Fritz Morstein Marx (ed.), *Elements of Public Administration* (New York, 1946), Chap. 13.

scientist about to enter government service, so that he can at least be aware of the problem and more easily survive the initial period of disillusionment and misery. They belong, it seems, within the purview of the student of public administration.

What follows in this article is a necessarily abbreviated case history of the writer's experience in one war agency. It is deliberately somewhat autobiographical, so that the raw materials may be presented as concretely as possible. Naturally, the social-science demands of the Overseas Branch of the Office of War Information were not typical, nor does this writer—a psychologist—claim to represent anyone except himself. It can only be hoped that other social scientists will record their own similar and dissimilar experiences and produce a more general guide-book for social science in government.

I. TYPES OF RESEARCH

By executive order, the Overseas Branch of the Office of War Information—as distinguished from the better known but smaller Domestic Branch—was the government agency charged during the last war with responsibility for transmitting official American propaganda to enemy countries and for disseminating “information” in the name of the United States to allied and neutral countries outside the Western hemisphere. Within an active theater of operations, this responsibility was shared with military and naval authorities and sometimes taken over by them. Every conceivable vehicle of communication was employed, extending from a short-, medium-, or long-wave radio program to a lecturer on American literature in one of the British Dominions, or from a slick magazine to a greeting from the American people printed on a soap wrapper. Concealed or “black propaganda” (like rumor-spreading) did not concern the OWI, since all of its “white propaganda” and information were clearly labelled as coming from this country.

In the accepted jargon of government, a sharp distinction was drawn and actually existed between policy-makers and operators. A policy-maker contributed to the formulation of a propaganda directive or criticized propaganda output before or after its dissemination. Propaganda directives of the OWI were written in Washington with or without the help of other government agencies, but they became official government policy only after being approved by the Department of State and the War and Navy

Departments. An operator, on the other hand, "implemented" the directives through one of the communication media. At all times his production was "controlled"—or was supposed to be controlled—by policy-makers or their representatives.

Research in the Overseas Branch was divided into three types: policy, operations, and background. Policy research, which was almost always classified as secret or confidential, consisted of facts and generalizations which helped policy-makers write directives for countries that were, or might eventually be, reached by the OWI's propaganda. The "state of morale" in Germany and Japan, for example, was frequently assayed; obviously, it was said, one kind of propaganda is needed for people with a high morale and a different kind for those whose morale is sinking. Operational research, which was never classified, contained facts or pseudo-facts of interest to operators. If a directive commanded that the people of one country be told that Germany's morale was high or low, a research group uncovered items allegedly demonstrating the Reich's mental state. Background research, which was either restricted or not classified at all, fell somewhere in between, but generally strove to increase the insight of operators.

The research resulted in reports that varied in length from a sentence to a volume. The size of an obscure town or the latest propaganda line employed by Radio Tokyo was determined in response to a face-to-face, telephoned, teletyped, telegraphed, cabled, or radioed request. At the other extreme were weekly reports analyzing significant events inside a country, often with the aid of tables and graphs indicating the frequency with which a given propaganda theme was being employed on the radio, in the press, or by both. Then facts were merely assembled in a form convenient for operators; for example, there was a daily publication listing, under convenient rubrics, quotations from foreign journalists and newscasters which could be incorporated into feature stories or radio scripts. Some intricate research also was carried on, such as an anthropologist's attempt to delineate the character structure of a few countries on the basis either of prisoner-of-war interrogations or of interviews conducted with scattered informants residing in the United States.

The OWI's research cannot easily be classified as belonging to one rather than another social science. In fact, it may be seriously questioned whether much of it had anything at all to do with social

science, unless social science be defined broadly as simple fact-gathering about people. From a social-science viewpoint, the problem for policy research was real enough, since it was always a variant of one of the following questions: what is happening inside a particular country, what are the people doing and thinking, what are the pleaders plotting and planning? The answers to such questions, however, required adequate data before any social science could be systematically employed. Such data were lacking. Often fairly important reports existed, but, because they were of necessity highly classified and/or came from other agencies and governments with which effective liaison was gradually established, they could be distributed only to a few key researchers. The OWI never developed its own intelligence-gathering facilities overseas, even in countries where the people themselves could have been studied. Other agencies asserted that this was their function, although they seldom discharged it satisfactorily. The outposts' budgets, moreover, were usually so limited that their chiefs felt compelled to dispense with the frill of data-collecting and to concentrate their manpower on useful and more pressing tasks, *viz.*, operations or administration. One top social scientist was able to recruit an excellent staff to do research in one of the liberated countries, but soon after he had completed some first-rate reports a quarrel with the commanding officer of the military group under whom he worked in that theater brought the entire project to an end. In a sense, too, the OWI's inability to secure the information it needed resulted from the scattering, both in Washington and abroad, of research related to propaganda and information and of competent personnel.

By and large, therefore, it can be said that the data at hand secured all the analysis they deserved. Sometimes, in fact, the analysis was too refined and represented a deductive leap into the unknown, motivated by the social scientist's desire to use his social science or by his impulse to compete with journalists on their own terms. Far too many risky and dogmatic inferences concerning the state of morale in enemy countries, for example, were made on the basis of radio transcripts and newspapers simply because these data were at hand by the train-load. What was seldom done was to pool the available data and information of all experts in order to determine systematically—in terms of social-science principles—how people might respond to propaganda. Instead, the easier

and quicker solution was simply to consult one of the self-styled or recognized experts concerning the desirability of the propaganda innovation. This was a hit-and-miss approach in a situation in which no one except an omniscient deity will ever know in detail what hit and what missed. The social scientist could not protest, inasmuch as his own position was too vulnerable; if he talked in terms of principles or theories, he ran the risk of being called a "professor" and of delaying fast-moving operations.

II. ADMINISTRATIVE ORGANIZATION

Research was permitted within the Overseas Branch because each policy-maker and operator in his own way paid lip-service to "facts" and was convinced that someone ought to collect and perhaps analyze them. Journalists, cooped up in an office or an army establishment, were worried because the conditions of war prevented them from running down the facts; they looked upon research workers as glorified, if not qualified, "leg-men" for a city editor. Men from the fields of advertising and radio had previously grown accustomed to some type of market research to bolster their intuition and they claimed they needed a substitute. There was always the feeling that the OWI, young and lusty though it was, deserved its own research organization equally with its occasional rival, the Office of Strategic Services, or like the big, mature respectable agencies of State, War, and Navy. Some officials, furthermore, were stricken with the desire to build an empire for purposes of ego-gratification or civil-service classification—and a good corps of slaves to do research impressed everyone, except the sleuths from the Bureau of the Budget, as something all good empires should have. The top administrators of the OWI, who feared that a large research appropriation might antagonize those sleuths as well as congressional committees, attempted to curb such expansionist tendencies, frequently with much success.

Almost every kind of organization plan for research was tried. During the existence of the Overseas Branch, there was a research group at each level of the agency, and the various groups had administrative and functional responsibility to all imaginable policy-makers, operators, and administrators. At one time, it is fair to say, only the fiscal office and the janitor did not have to worry directly about the kind of research being conducted or the promotion of a bilingual clerk. A central Bureau of Overseas Intelligence

in Washington contained approximately one hundred people who concentrated on policy research, and who also wrote background and operational reports. For administratively obscure but politically evident reasons, the principal policy-makers in Washington were permitted to have their own research staffs or did research themselves. The large operating offices in New York and San Francisco had sections called Operations Intelligence and other research groups which supplied implementing materials to operators. Yet here again some of the operators had their own research staffs or trusted no one but themselves to carry on the work. Similarly, the outposts located throughout the world and the combat propaganda teams functioning close to enemy lines collected intelligence which might or might not be sent back to the United States. Some of these groups, though inadequately staffed, prepared their own policy and operational reports.

From the viewpoint of the utilization of research and the elimination of duplication, no one administrative system seemed better than another. All that reorganization accomplished was to place a group in a different position on the organization chart. The decisive factor was not organizational but geographical and human. Duplication of effort, for example, was largely avoided, at least in the United States, through informal agreements and constant contact between people who liked and trusted each other.

III. RESEARCH PERSONNEL

In the Overseas Branch, it was by no means thought that social scientists alone had the ability to make sense out of heterogeneous data; journalists, with their traditional "nose for news," were frequently considered better equipped to piece the facts together. In some instances, less capable journalists and radio men, who did not quite live up to the Branch's standards in their profession, were sentimentally retained but farmed out to research. The conviction existed that a national, almost regardless of what his previous training had been, was *ipso facto* an authority on the nation from which he had come or fled. His expertness might be questioned if he showed bias one way or the other regarding, for example, the issue of communism, but otherwise he tended to be accepted as a one-man panel truly representative of the millions in his homeland with whom he might have had no contact for years. It was amazing to observe that such individuals were sufficiently courageous or foolish to dare foretell in detail precisely how an entire

nation would respond to a propaganda appeal. Nationals of a foreign country, of course, had to be employed for purely linguistic reasons, but very quickly many of them—too many of them, in this writer's opinion—were permitted to transcend their rôle as translators, announcers, or clerks. In addition, there were a few individuals—approximately five or ten per cent—who would be recognized as social scientists inside or outside any academic community; and they tended to occupy the most prominent and important research positions.

This policy of mixing social scientists, journalists, and nationals was not necessarily deplorable. The snap judgment of the journalist could not be dismissed or ignored by the social scientist who felt himself intellectually paralyzed by the paucity of reliable or unreliable data. In such a situation, he excelled only as a critic. His training tended to make him less subjective, less ethnocentric, less prone to generalize from biased data, and—all in all—less likely to be dogmatic. A critic is seldom popular, and the research race in the OWI tended to be won by the swift and the glib. In a competition between shrewd or wild guesses and scientific hypotheses or theories, the social scientist ordinarily has or should have an ace up his sleeve: verification. Verification during the war was generally out of the question, or at least consisted of ambiguous or out-of-date sense-perceptions. The OWI, in large part through no fault of its own, was definitely not a good testing-ground for social science or social scientists.

IV. RESEARCH MORALE

As in any organization, the research worker's morale fluctuated as a function of personal circumstances and the *esprit* he had established with his immediate associates. Three factors, however, seemed to affect almost everyone. In the first place, an individual was happier if convinced that he had access to "inside" information, which almost always was classified intelligence originating in another government agency (especially the Department of State) or an OWI outpost. Then the completion and circulation of a report brought satisfaction just as the spirits of an academic social scientist rise when an article or book he has written is published, even though the OWI reports never bore the names of their authors. But, most important of all in wartime, was evidence that operations or policy, or both, had been affected by a report.

Only by examining actual output could an individual determine

whether or not operational material provided by him, or one of his general propaganda suggestions, had been utilized. The enormous production of the OWI, however, never permitted a complete survey. Very frequently, operations expressed gratitude to research and stated that a particular report had been incorporated into a script or story.

The writer of a policy report, on the other hand, could always determine whether or not his contribution had been influential by consulting the weekly directive. Although these directives were classified as confidential, they were made available to most of the research workers, and the principal one—called the Central Directive for the entire organization—was read aloud and discussed at weekly meetings. Many of the directives, moreover, contained not only a list of “do’s” and “don’ts,” but also a concise background summary of trends and events which gave a partial explanation for the propaganda policy, and which might contain research materials.

Some individuals inside the OWI tortured themselves with another thought, which then affected their morale: was the dissemination of propaganda or information itself an important contribution to the war effort? The doubt might concern the OWI effort regarding a particular country like Albania or Burma; even if a radio program were actually heard, and even if eventually stockpiled materials were distributed after the nation had been liberated, was it worth while to expend the effort? Such soul-searching naturally was not confined to research workers, but often pervaded the Overseas Branch. It was sometimes stimulated by congressional or newspaper attacks upon the OWI. Or it occurred when the individual himself felt guilty because his was an intellectual job and not a task in a combat area—the way to win a war, the phrasing went, is through bombs and not words. The OWI and the individuals themselves, therefore, provided a set of justifications, few of which were rationalizations. If psychological warfare could shorten the war only by a few minutes, it was said, thousands of lives would be saved, and so every propagandist’s superego could feel at ease. Evidence concerning the effectiveness of propaganda (such as the number of prisoners carrying surrender leaflets or the enemy’s effort to refute an American propaganda line), moreover, was frequently at hand and widely displayed.

Usually the OWI'er managed to stop thinking before he reached the point of asking the ultimate question; as a research worker, he was happy if he affected policy or operations.

Social scientists, in addition, faced a morale problem of their own. Most of them quickly realized that for the reasons already outlined, they could not function as specialists. Why, then, did they remain in the Overseas Branch if they had little or no opportunity to use their talents? Each man and woman no doubt had his own answer. Some did move into other agencies whose research fields looked greener, or returned to their colleges and universities. Others wanted to move, but were persuaded to continue. Those who remained—and the writer has the impression that many more remained than left—were simply intrigued by the OWI. They were convinced that propaganda was an important weapon and that—however humbly—they were helping to wield it. For the duration, they allowed most of their social-science skills to hibernate, even as men and women in the armed forces were compelled frequently to forget their professions, trades, or personal preferences. A few kept hoping that some day or week or year they would be permitted to collect the data they required. Still others felt the challenge of trying to make as much of social science as possible work under unfavorable circumstances. There was always the thrilling possibility of being sent overseas. *Esprit* inside the organization was sometimes high, and it was considered poor sportmanship to desert one's colleagues. No doubt every academic individual liked his contact with "real life" outside the campus; he could personally witness how one government agency functioned in wartime, and he could work with people from the other side of the intellectual tracks. Anyone interested in propaganda as such was able to meet propagandists and to observe, perhaps, what made them tick and fail to tick. Many social scientists in the OWI had a grandstand seat at the propaganda game because they were expected to carry research water to the players.

V. PROMOTION OF RESEARCH

As chief of the Bureau of Overseas Intelligence, the writer realized that social-science research, especially projects requiring execution overseas, had to be promoted. He knew that the administrators were sympathetic toward bright and sound ideas within

budgetary limits. He never convinced himself, however, that additional policy research was basically either necessary or feasible.

For one thing, he concluded that research could play only a negligible rôle in the formulation of OWI directives which were so dependent on the country's political policies and so constantly affected by military and naval clamor regarding security. By and large, it must be said, the propaganda implications of political and military policies were seldom considered. What the OWI was usually compelled to do was to justify or propagandize in favor of decisions already made. The policy of unconditional surrender for Germany, which may have stiffened German resistance, was perhaps a wise one in the long run, but here it need only be suggested that no research could be carried out in the OWI to estimate its wisdom in advance, and none could be tolerated to ascertain the desirability of publicizing its existence, since the OWI obviously had to conform to the wishes of the President. Similarly, the appeals to be employed by combat teams in calling upon a particular group of enemy soldiers to surrender required no systematic research; instead, only a few elementary facts about the conditions of those troops were required, and these were obtainable from Combat G-2. Policy-makers were correctly convinced that propaganda had its best opportunity to be effective during a military or political lull; but the directives written at such a time stemmed almost exclusively from common sense and not from research, and, in addition, they were bound by general American policy and security considerations.

The OWI's propaganda principles, consequently, tended to be unsubtle and elementary, with or without research backing. The usual procedure was not to obtain the psychological facts; but to psychologize concerning the situation at hand. It was quite possible to conceive of genuine research on a social-science level which might or should affect policy, such as the state of public opinion in a country as measured by a refined survey; yet such research, as has been pointed out, was not permitted. Some information—like a stray report from an OWI outpost, the State Department, or the OSS—often seemed worse than no information at all because inadequate information could be misleading. But policy-makers found what they frankly called "hot dope"—such as gossip about a dictator's mistress or an estimate of whether a neutral country

would remain neutral—more intriguing and important than an out-of-date appraisal of basic factors affecting a country or its people. Under these circumstances, the writer eventually abandoned research and during the last year of the war became Policy Coördinator of the Overseas Branch.

While in charge of research in Washington, however, the writer did manage to overcome his paralyzing inhibitions and to promote research. He found himself most successful among policy-makers whose respect, or at least affection, he had won through means not at all related to the research itself or social science in general. Specifically, this meant being liked personally by the policy-maker, humbly pointing out that the research would not be an encroachment upon the individual's own empire of assistants, forcefully indicating that the results could improve the directive and thus redound to his credit, etc. Certain background reports were sent to the OWI outposts, and the ensuing letters of thanks and approval were then employed as proof that research was necessary. In addition, responsible and capable section chiefs within the Bureau were encouraged to cultivate working relations and friendships with the policy-makers of their areas. In this way they acquired an awareness of the policy-makers' problems on a day-by-day basis. Lest they succumb completely to the charms of these masters and undertake impossible or useless tasks, they were not permitted to begin work on an assignment until the Bureau chief or his deputy was convinced that the request sprang from a real need and not from whimsey, a distinction not always easy to make.

In the field of operations, too, deliberate promotion was carried on, first because it was felt that the writer's Bureau could make a contribution and second, because the Bureau's existence could be only partially justified by its reports to policy-makers. At the outset, it was essential to diminish the hostility of operators in New York toward research in Washington. They distrusted members of the Bureau because the latter were not operators; journalists in general, for example, held sociologists and political scientists in rather low repute because they felt that they themselves secured better "facts" and certainly secured them more rapidly. Then there was always some friction between the Washington and the New York offices, the same type of friction which exists between the editorial and news-gathering staffs in most newspapers, except that in this instance it was intensified by geographical separation and

by a series of internecine struggles for power which, though at an end, left bad feelings in their wake. It was important, therefore, quickly to build up trust and confidence. This was achieved on a purely personal basis. Each week the chief or one of his staff journeyed to the New York office and for a period of forty-eight hours breathed only the atmosphere of operations. Careful observation of the OWI machine was made; key individuals were regularly interviewed so that their research needs could be ascertained or anticipated; and food and drink served as catalysts to build up genuine friendships. A chief of one of the operating bureaus, for example, was determined that his empire would never be invaded by anyone from Washington, especially a research worker—and he held this belief throughout the war, drunk or sober. But many of his subordinates were less neurotic and could easily be convinced that even a Washington bureau could help them in specific ways. After a period of time, this man winked at the service which "Washington" was providing because he must have realized that the reports were improving the quality of his own output and hence were in line with his own ambitions.

The courting of operators in this fashion sometimes led to impossible demands. The word "research" seemed to suggest to some that a miracle could be quickly wrought and that the innermost secrets of any enemy or occupied country ought to be immediately discovered and made available for operations. Or sometimes a round-up report for background purposes was requested which would have terrified a team of scholars with ten years, and not ten days, at their disposal to complete the job. Another type of miracle considered useful by operators involved spot news or intelligence which, if it existed, was too highly classified to be disseminated. In this connection the Bureau performed a most useful service which won the gratitude of operators: it learned how to censor and alter certain classified materials in such a way that they could be employed without jeopardizing security and yet without losing too much of their original punch. Gradually a principle of liaison between research and operations emerged: requests were accepted only when operators understood the capabilities and limitations of the Bureau, and only when they could demonstrate to a responsible representative of the Bureau that the report would be useful and not just "interesting to know."

An intimate relation between operators and research workers

was mutually beneficial. The operator obtained information he could use (after in some instances the utility had been pointed out to him) and the research worker learned in detail not only what information the operator needed, but also in what form that information should be presented. One of the most effective techniques the writer ever employed, in his immodest opinion, to win the respect of some key journalists was to write a few reports in journalistic style. This seemed to convince them that he did not live in the clouds, that he appreciated their problems, and that consequently he might possibly grasp their research needs in the future.

The fact that a good relation between operators in New York and research workers in Washington depended so much on personal contact rather than on formal duties was indicated by another situation which was similar in almost all respects except that of geography. The Washington offices in general were unable to establish or retain effective liaison with the OWI office in San Francisco. The same problems existed, but they were never adequately solved because frequent trips were out of the question. The telephone, the teletype, and the mail were not adequate substitutes. Both the Bureau of Overseas Intelligence and San Francisco's Operations Intelligence made conscientious efforts to prevent duplication, to have research performed by the group most capable of performing it, etc., but—in comparison with the Washington-New York link—relatively little was accomplished.

VI. MARKETING OF RESEARCH

It is difficult to say in general whether or not research was eagerly accepted by the OWI's policy-makers and operators. So much depended, as has been intimated, on who did the research. Information with the highest prestige originated outside the Overseas Branch, and it produced submission simply because it came from another agency. Hardboiled journalists in the OWI frequently knew perfectly well that a report from State, War, or Navy was essentially worthless, but they could not disregard the logical or illogical conclusions drawn therefrom for fear of offending the agency involved and, as a result, of having the OWI hauled up before the Joint Chiefs or the Secretary of State. Within the Overseas Branch, there was a tendency to give more credence to research carried on within one's own section than to that produced by another group.

Policy-makers were more than eager to be guided by research findings when a report seemed, or could be employed, to justify one of their own propaganda ideas, and especially when the respectable departments were opposed to the idea. At a crucial meeting, for example, the representative of the War Department might say that he considered the directive proposal "bad propaganda," a phrase which naturally meant absolutely anything or nothing. The OWI official could reply by saying that "the boys in research have some dope which shows that this is what is needed." To which the man in uniform might respond, "Oh, well, if that's the case—this is none of our business, since security does not seem to be involved." In the policy sphere there was no respect as such for the kind of report any research group produced, because everyone knew that the facts were limited and the analyses unavoidably tentative and inconclusive.

Whether or not policy recommendations were made by research workers depended on the policy-maker involved. During an early period of the Overseas Branch, the top policy-maker—in this writer's opinion, a most capable but erratic man—believed that only he had the brilliance to formulate policy. His ears and mind, consequently, were opened to no one he did not personally like. Since he felt justifiably hostile and contemptuous toward a cavalry (*sic*) officer who for reasons pertaining to the OWI's public relations had been appointed intelligence chief, he paid little or no attention to the Bureau. His two successors did not believe that they alone possessed all the propaganda wisdom inside the OWI, and therefore suggestions from the Bureau were acceptable and frequently utilized. As time went on, the chief of the Bureau was invited to attend most of the important policy meetings. There he could determine some of the areas of ignorance among policy-makers and later make an effort to have his Bureau supply a relevant report.

At these meetings, too, he could advance suggestions for the new directive. The suggestions he made might have their origin in research, in some principle of social science which he happened to consider applicable to the problem at hand, or simply in common sense. If he had research to buttress his argument, so much the better. But he successfully affected policy by pitching into the discussion and succeeding or failing on the basis of what he said. Whether or not in this rôle he was functioning as a research worker, a social scientist, or just a more or less intelligent human being, is

a purely academic question. Research and social science, in short, were the excuse which enabled him to get into the policy discussions in the first place. This point must be clearly understood. Expressed differently, it suggests that in some situations, where social science data are inadequate or where social science itself can provide only principles or a way of approach to a problem, the social scientist must hurl himself into the debate, participate on an equal or unequal footing with men and women who are not social scientists, toss some of his scientific scruples to the winds, and fight for what seems to him to be valid or even good. A strict adherence to the scientific *credo* in such circumstances leaves the social scientist impotent and sterile as far as policy is concerned. He is faced with these alternatives: to keep quiet, stay within the confines of his research, and leave the decision to others; or to speak up, go beyond his research and social science, and thus share in the decision. Certainly, this writer asserts, the judgment of a social scientist ought to be no worse than the judgment of someone outside the fold when the problem concerns other human beings; and maybe it can be better in some instances.

A question of social or scientific ethics, however, arises in this connection: should the social scientist attempt to add prestige to his argument by always representing himself as a social scientist? The reply each individual gives is obviously a function of his own conscience. The solution of the writer was clear-cut if somewhat self-righteous. When he argued from data, he indicated their nature as well as their limitations. When principles seemed to give rise to his point of view, he named the principles, suggested how valid they were generally thought to be by his colleagues, and never stated that the propaganda universe would collapse if these dicta were disobeyed. When he spoke from what seemed to him to be common sense, he unequivocally and appropriately labelled his thoughts. This procedure did not necessarily make him sound verbose or pompous, for a simple phrase could convey the distinction. "According to reports we have . . .," "psychologists generally believe that . . .," or "in my personal opinion . . ." managed, it was hoped, to specify the esteem he merited. Naturally there must have been a positive or negative "halo effect" which caused some of his protagonists to forget the tag, but at least the effort was made not to bluff or to pose as an expert when technical expertise was only partially present or completely absent.

There was no way to force an operational report into a story,

script, motion picture, or some other medium. The operator was the technician whose judgment had to be accepted if not respected. One could argue and argue, but the only convincing challenge was, "If you don't use this, then how are you going to implement the current directive?" The operator even then might use different material, or perhaps claim that the directive could not be implemented with the type of information available. If an operator, for whatever reason, once employed research material which he himself had not collected, and if his product won approval within the office, then of course he was more likely to trust the research group in the future.

One of the frequent complaints of operators in the New York and San Francisco offices was that the policy directives would prescribe a propaganda line for which there was no operational material. Representatives of research were able to help alleviate this difficulty. As each new directive was being discussed, they indicated whether or not the propaganda line was feasible in terms of available material. Often they also suggested that a propaganda theme be adopted for the reason that non-classified material was at hand. If the theme became part of the directive, then the operators were more or less dependent upon research for implementation. In fact, during the last few years of the OWI's existence, a list of reports from the Bureau which had been compiled, or which would be ready by an indicated deadline, was attached to the Central Directive; thus the week's research could be planned in terms of the Directive and the operators could depend on the Bureau for implementing material.

Reports had to be tailored to the readers, their interests, and their peculiarities. In general, brevity was almost always desired. Most policy-makers and operators had neither the time nor the training to examine long reports whose conclusions were indecisive, and whose factual information was surrounded by verbal hedging. A concise summary at the beginning sometimes helped. After some experimentation, it was found that few research workers could write a satisfactory report. The style of social scientists, for example, tended to be wordy and too involved. As a result, a small group of editors in the Bureau of Overseas Intelligence assumed the functions of translating first drafts into simple English and, if necessary, into "journalese"; of studying the research and stylistic requirements of the different groups in the Overseas Branch; and

of distributing copies of the reports to the most appropriate people. No report could coast along on the prestige of social science, first, because social science had little prestige, and second, because—in the nip-and-tuck of war, empire-building, and the public relations of the OWI—coasting led nowhere.

VII. OUTSIDE OBSTRUCTIONS TO RESEARCH

The difficulties and problems facing the research worker in the Overseas Branch so far have been confined to those originating inside the agency. There were, in addition, some nuisances from the outside whose presence would never have been missed; no, indeed, they would never have been missed! First of all, social scientists from academic institutions sometimes breezed into the offices of policy-makers not familiar with social science for the purpose of making a proposal which they considered sensational and important. They had to be treated politely for the sake of the OWI's budget and reputation. Generally this was a waste of time. In a few instances, the visitors were hired or utilized as consultants and began to collect data. Finally—and usually much too late—they sent in a report and felt that the job was finished. Actually, the job was not finished. The policy-maker would read the first and maybe the second page of their report, say "how interesting," and then pass it to a colleague whose desk was also littered with unread or undigested reports. Eventually the document was filed and only an efficient secretary could locate it, if anyone ever again asked to see it. Generally, nobody did. What these consultants failed to realize was a simple, mundane matter: research could not be superimposed on the working organization from the outside and, if it was, someone inside the agency had to assume the unattractive responsibility of sticking the nose of the relevant officials right into the report. The consultants suffered from the delusion that officials inevitably would beat a path to their mousetraps, when in truth the officials had many other interests in life. One consultant, after he had spent months wiggling himself into the research which he and his financial backer had decided was essential, convinced himself afterwards that he had been called in by the OWI and hence could not be held responsible for his senseless interloping.

There were also a few social scientists not on the payroll of the OWI—and some not on the payroll of any government agency—who acquired enormous prestige for themselves either because they

knew and were respected by very important officials in Washington, because they previously had published many books, or because they had trained large numbers of students then under civil service. Some top official of the OWI would hear of one of them, perhaps at a cocktail party or perhaps through a friend in another agency. Then he would wonder why research workers in his own agency were not employing the techniques associated with that social scientist. In some instances the techniques or practical modifications thereof were in actual use, in others they were just not applicable. More time was lost before the top official's thinking on the subject could be set reasonably straight.

VIII. PERSONAL ADJUSTMENT

Service in the Overseas Branch as a research worker was trying for the writer in innumerable ways. Most of all, he found it difficult, as the phrase would have it, to be diplomatic. He had been undiplomatic inside another war agency before he arrived at the OWI. There he had followed a custom of telling people—policy-makers or operators—to visit the nether regions when in his opinion this was the advice they truly deserved. He had learned the valuable lesson, as frankness increased his frustrations; that he would be more useful as a social scientist and happier as a human being if he treated almost every individual like a psychiatric patient who had to be understood in the gentlest possible fashion before he could be expected to swallow the pill of research. In the Overseas Branch, this meant being pleasant to what seemed to be millions of people—which, for this writer, was quite a strain. The adoption of a psychiatric approach, it should be parenthetically added, was fruitful in ways related and unrelated to the performance of duty. In trite but very meaningful fashion, it was possible to like some people when they were better understood, and the subsequent perception that the feeling was reciprocated proved gratifying. By and large, moreover, the members of the OWI were very highly motivated, worked exceedingly long hours, were productive to the extent that their talents and the organizational set-up permitted, and represented as decent if heterogeneous a group of individuals as anyone might ever meet. Under such circumstances, the strain of removing egocentrism, the ethnocentrism of social science, and a heavily reinforced system of personal habits in social relations could be tolerated. A similar problem faced the writer when he worked

exclusively on the policy level. Then he learned that you could lead an operator to a directive, but you could not make him implement it—no matter how strict the system of controls—unless he understood it, approved of it, and/or had trust in the policy-maker.

IX. SUMMARY

1. In the Overseas Branch of the OWI, social science as such possessed relatively little meaningful prestige among journalists, advertising men, public relations counsels, executives, and others ordinarily concerned with mass communication media in American society. In a vague sort of way, such individuals believed that social science in the abstract was probably pursuing worthwhile objectives, but that those objectives had little or no practical importance, and certainly were of no great interest to them in their professional work. The writer is convinced that contact with social scientists during the war did not alter this viewpoint.

2. Social scientists in the OWI did not really display their wares, and they did not do so largely because they could not. They were judged on their merits after an initial prejudice had been overcome. They had to prove that they could be useful, and it did not matter whether that utility was derived from research, from social science, or from common sense.

3. Social scientists who deliberately sought to be useful, therefore, were impelled to adapt themselves to the people and problems confronting them. This required a kind of plasticity which had no relationship whatsoever to social science and the organization chart, but which the individual had to possess or acquire as quickly as possible. He learned to function in a situation teeming with problems in social science, but lacking the data of social science. In this light, the Overseas Branch itself became a major research project, and it was a project whose intricacies could not be intuited by self-appointed consultants from the outside.

4. Research had to be constantly promoted and, when the report was completed, the findings had to be marketed. No research worker ever had the guarantee that his research was really needed, although he had all kinds of verbal expressions to the effect that it was wanted. He could never be sure that what he did would be utilized unless his chief, or he, assumed the responsibility of following through.

POLITICAL INFLUENCE AND AGRICULTURAL RESEARCH

CHARLES M. HARDIN

University of Chicago

Public programs for agriculture challenge social scientists. How do public aids to agriculture affect the economic freedom of farmers? Can losses of economic freedom be balanced by gains in political self-determination through farmers sharing in the adoption and management of public programs for agriculture? Is governmental power conveyed to farm organizations whose leaders (however "broad-gauged" and public-spirited") lack institutional responsibility to the public? Notwithstanding mutual interdependence of various aspects of the "farm problem," is there a tendency toward splintering public policy among separate agencies in different commodity fields and among conservation, educational, regulatory, research, and credit agencies? Can the content of public policy be divorced for research from the process of policy formation and execution? Can federalism survive the vigorous development of regulatory programs administered from Washington? Contrarily, does federalism introduce factors which tend to defeat administrative responsibility in federal agencies? Is it possible for publicly-supported research freely to probe controversial issues raised by public policy?

Such questions are increased in pertinence by current circumstances. Major re-directions of farm programs seem in prospect. The Committee on Agriculture in the House of Representatives is holding the first comprehensive hearings on agricultural policy since 1937. Meanwhile, Congress has authorized an expanded research program for agriculture which in itself may embody a marked shift in policy.

Consider the implications for social science of the Hope-Flannagan Act (P.L. 733, 79th Congress). While including important traditional elements, the measure reflects the judgment that the country was thrown into ill-conceived regulatory programs in the 1930's and the assumption that redoubled research into the entire production and distribution process will discover ways to construct public policy which would be at once less arbitrary and more effective than New Deal measures. The challenge to the natural and social sciences concerned with agriculture is clear and profound.

For political science, a major question emerges at once as to the formation of research policy.¹ While privately-supported research is included, Congress directs maximum use of federal and state facilities. But research policies of governmental agencies are subject to degrees of political influence. Frequently, controversial issues have been fenced off from scientific inquiry. But the importance of this kind of restriction should not obscure the significance of the splintering effect upon research programs of pressure by commodity groups. Reference is to demands for scientific answers to specific questions.

However important each *ad hoc* piece of research may be in itself, the real question is: do all the projects inspired by specific pressures add up to a systematic scientific attack upon the farm problems which called forth the major programs of the 1930's? If not, can this kind of systematic attack be mustered in disregard of political influence? This paper suggests that representatives of significant political forces need to ask (or to acquiesce in others asking) the important questions.

I. THE HOPE-FLANNAGAN ACT

On the face of it, "action" outran "research" in the 1930's. In 1932-41, federal funds for research in the U. S. Department of Agriculture, federal grants to state and territorial experiment stations, and non-federal moneys—taken together—averaged \$35,000,000.² Not until 1937 did combined funds for research rise again even to the level of 1932. Yet appropriations for action programs, \$142,000,000 in 1933, rose to \$626,000,000 in 1937. The disparity continued: if research received \$43,000,000 in 1940, action programs had leaped to \$1,229,000,000—not counting the Commodity Credit Corporation's capital-and-borrowing authority of \$2,750,000,000.³ The trend has borne heavily upon men like Congressman Hope. By 1946, the research total had increased to \$53,000,000—more than half to state and territorial experiment stations, the balance to the USDA. This figure the Hope-Flannagan

¹ Possibilities of political science research under the act are canvassed in a note at the end of this article.

² Round numbers, here and following.

³ For accuracy's sake, the CCC's authorization was raised to this figure in 1941. Appropriation figures for the 1930's are summarized in *Hearings*, Sub-committee on Agriculture, House Committee on Appropriations, fiscal 1942, pp. 112-113. Some research, of course, was provided by appropriations for "action agencies," e.g., for the Cooperative Research and Service Division, Farm Credit Administration.

Act would more than double by 1951. A total of \$61,000,000 of federal appropriations is authorized, and additional state outlays would be required for matching purposes.⁴

This is not to say that Hope's viewpoint, namely, that research in agricultural problems can be effectively mobilized to eliminate or greatly reduce the need for crude production control and regulation devices, is the only feature of the Hope-Flannagan Act. The problem of cotton, illuminated by the Pace Committee, figured importantly in passage of the legislation. Consideration for other commodities was no less notable.

The search for new agricultural products and new uses for these products, always popular, was expressed in Congressman Andresen's bill, which, in principle, was incorporated in the act. Some state commissioners of agriculture desired federal aid for their regulatory and service functions. There was pressure to force the creation of a separate marketing research function in the USDA. There was a desire to institutionalize the influence of the important agricultural pressures within the USDA so that "practical men" could give direction to departmental research policy. Bi-partisanly sponsored, the bill was widely supported in Congress and by farm organizations, the USDA, the land-grant colleges, and others. Therefore, the emphasis in this paper on the position represented by Congressman Hope should be taken as signifying, in the writer's judgment, the most significant new departure embodied in the act.⁵

⁴ Several specific authorizations are earmarked for state experiment stations and require 50-50 matching by the states; other authorizations may, in the discretion of the Secretary of Agriculture, be assigned to the states—if so, they must be matched. If full appropriations are made, \$14,400,000 will be earmarked for the states by 1951, and an additional \$20,000,000 (under Title II) will be available, much of which may go to the states. How much additional money would be required for matching purposes is difficult to say. In 1945, federal funds to state and territorial experiment stations totaled seven millions; non-federal funds, 21 millions. The national 3 to 1 ratio reflects considerable disparities in the states. For every federal dollar, California provided approximately \$10; Indiana, \$7; Wisconsin, \$5; New York, \$8; etc. But Arizona and Georgia provided only \$1.50; South Dakota and West Virginia, about \$1.25; Idaho, less than \$1.00; and Maine, Nevada, and New Hampshire, about 40 cents. Hence considerable additional state appropriations (or other contributions) would be required. See *Hearings*, Agricultural Subcommittee, House Committee on Appropriations, fiscal 1947, pp. 436-437. See also *Hearings*, Committee on Agriculture, H. of R., 79th Cong., 2d Sess., Serial M, "Agricultural Research," pp. 22-24. The latter will be cited as *Hearings*, Agric. Research, 1946.

⁵ The background and scope of the act are reviewed in *Hearings*, Subcommittee on Agriculture, House Committee on Appropriations, fiscal 1948, Part I, pp. 210 ff.

(A) TITLE I OF THE HOPE-FLANNAGAN ACT

The act can best be discussed in combination with interpretation of the possible politics of its administration. Title I provides for research in agriculture in its broadest aspects—production, marketing, distribution, nutrition, consumption, farm organization, and rural living. One sum authorized—\$20,000,000 by 1951—allows three per cent for administration. Twenty per cent, \$4,000,000, is to be evenly divided among the states, territories, and Puerto Rico, contingent upon equal matching by the same. Fifty-two per cent (\$10,400,000) is similarly divided, but half of it on the factor of rural population and half on the factor of farm population; again, equal matching is required. Up to twenty-five per cent (\$5,000,000) is provided for coöperative or regional research among two or more state experiment stations, as recommended by a committee of nine *elected by, and representative of,* state station directors.

To determine what forces will effectively influence expenditure of these funds is difficult, taking the act as a whole. True, Congress directs that coöperative or regional research projects shall be subject to approval by the Secretary of Agriculture, and further directs that, of all sums above described, twenty per cent shall go for marketing research, subject to USDA approval. Even so, were it not for new elements mentioned later, history would indicate that the USDA would have little influence upon research policy financed by this authorization. Such earmarked allocations to the states are federally reviewed only with regard to legality of expenditure. As to the \$5,000,000 for regional research, the committee of nine experiment station directors (which, judging from Land Grant College Association committees, will tend to have the same personnel year after year) will probably be determinative.

Hence the search for political influence must proceed within the states. Variations abound, depending upon such factors as the organization of the college of agriculture and of the experiment station; traditional concepts of the scope, method, and purpose of research; and the pattern and effectiveness of commodity pressures. The matching requirement brings state legislatures into prominence.

In short, research policy is made in a political context. Research on controversial issues, respecting margarine, sugar beets, comparative costs of production, comparative nutritional values of

foods, the feasibility of irrigation, tenurial systems, and the distribution of farm incomes and governmental payments, may involve political dangers. In addition, as already noted, pressure by organized commodity groups for specific projects to answer specific questions can raise serious questions.

Title I authorizes an additional \$15,000,000 to increase the utilization of agricultural commodities and products thereof. While Congress directs the fullest practicable utilization of research facilities of the USDA, the Secretary may make contracts for research with public or private agencies. Now come the new elements indicated above; a strong Secretary might use his discretion regarding the \$15,000,000 to influence the employment of other moneys authorized by the title over which traditionally he would have little practical control. The same argument applies, if with somewhat less force, to the one remaining authorization in Title I. This is a sum of \$6,000,000 (by 1951) for coöperative research other than that on utilization already described—coöperation between the USDA and the state experiment stations, as well as between these and other agencies, to which the USDA and the stations concerned agree.

To summarize, while much Title I money is earmarked for the states under circumstances that experience counsels will involve little USDA direction, other large sums are authorized in such manner as to suggest the possibility of negotiated research policy between the USDA and the experiment stations. If negotiation develops, it may give rise to a significant new element in the operation of federalism in agriculture.⁶

(B) TITLE II OF THE HOPE-FLANNAGAN ACT

This constitutes the bill introduced by Congressman Hope. It opens: "The Congress hereby declares that a sound, efficient, and privately operated system for distributing and marketing agricultural products is essential to a prosperous agriculture and is indispensable to the maintenance of full employment and to the welfare, prosperity, and health of the Nation."

Research in marketing is to be increased to match research in production; but more than research is involved in the Congressional intent to provide for "coöperation among Federal and State agen-

⁶ But see the discussion of Title III below with respect to the committee of eleven.

cies, producers, industry organizations, and others in the development and effectuation of research and marketing programs to improve the distribution process;" and "an integrated administration of all laws enacted by Congress to aid the distribution of agricultural products . . ."

By 1951, authorizations total \$20,000,000. By Congressional preference, research is to employ federal or state facilities (the experiment stations); educational and demonstrational work in cooperation with the states is to employ state agricultural extension services; and cooperative information, inspection, and regulatory work is to be performed by the USDA and state departments of agriculture. States must equally match funds allocated to them; such allotments are covered by cooperative agreements which shall include provisions to prevent duplication or overlapping of work.

But if the Secretary of Agriculture determines that research and service functions may be performed more cheaply, rapidly, or efficiently elsewhere, he is broadly authorized to cooperate with other agencies, governmental or private, including, for example, distributors and processors. Such cooperation is to be contractual, on the basis of regulations promulgated by the Secretary.

(C) TITLE III OF THE HOPE-FLANNAGAN ACT

Clearly, the act, *thus far considered*, purports to equip the Secretary of Agriculture with important new tools of negotiation to influence the formation of cooperative research policy. But the measure now proceeds to institutionalize influence. The Secretary is directed to establish an eleven-man committee to make recommendations regarding research and service under the act, and to assist in obtaining the cooperation of producers, farm organizations, industry groups, and federal and state agencies. Six must be representatives of producers or their organizations.⁷

⁷ The Secretary has named E. A. Meyer as his representative and to be chairman of the committee. Other members are: H. E. Babcock, chairman, Cornell University board of trustees; Fred Bailey, National Grange legislative counsel; Robert R. Coker, vice-president, Coker's Pedigreed Seed Company (South Carolina); John H. Davis, executive secretary, National Council of Farmer Cooperatives; Charles F. Kettering, general manager, General Motors research laboratory division; C. W. Kitchen, executive vice-president, United Fresh Fruit and Vegetable Association; Albert K. Mitchell, co-owner of the Bell ranch, New Mexico; President James G. Patton, National Farmers Union; President Walter L. Randolph, Alabama Farm Bureau; Dean H. J. Reed, Purdue University School of Agriculture; and W. Kerr Scott, North Carolina commissioner of agriculture. The committee

The committee of eleven will almost certainly exert considerable influence. First, the personnel is vigorous and powerful. H. E. Babcock is often named as the strongest man in New York agricultural circles. Walter Randolph has been dubbed "the crown prince" of the American Farm Bureau Federation (*Fortune*, June, 1944, "The Farm Bureau.") Others are no less prominent. Second, if the committee is designated as voluntary, statements in the *Hearings* by Albert Goss, Grand Master of the National Grange, and Congressman Flannagan indicated a much broader rôle.⁸ Third, the committee manifests a persistent movement in agricultural circles to take various programs "out of politics" by shifting effective control from the Secretary of Agriculture to some "representative group of responsible leaders." In a sense, there is some movement toward Congressional control. Farm leaders, aware that the President's constituency becomes progressively urban-dominated, consider the Secretary of Agriculture the "President's man."⁹

II. THE PROBLEM OF POLICY FORMATION

The implication of the foregoing is clear. Publicly supported research is prosecuted in institutions whose policies are subject to pressures.¹⁰ If, then, a radical new direction is to be given to a greatly expanded research program, we had better look to our processes of research policy formation.

met in December, 1946, and February and April, 1947; although Mr. Babcock has been ill, members, with the exception of Mr. Kettering, are actively participating. The advisory committee stands at the apex of a hierarchy of committees. At the bottom are twenty commodity committees; over these are general commodity committees (livestock, fruits and vegetables, etc.), and four functional committees (transportation, storage, shipping, and foreign trade); next below the committee of eleven is a committee on utilization, composed of chairmen of the general commodity committees, of the functional committees, and representatives of nutritionists and "the public."

⁸ *Hearings*, Agricultural Research, 1946, pp. 84, 172.

⁹ Suspicion of the Secretary's position underlay the struggle over the proposed reorganization of the Production and Marketing Administration of the USDA in the autumn of 1946; it is reflected also in the Flannagan Farm Credit and the Bankhead-Flannagan Fertilizer bills in the 79th Congress. See also the Report of the Coöperative Milk Producers Federation for 1945, p. 15.

¹⁰ For further discussion respecting influence upon USDA research, see the writer's "The Bureau of Agricultural Economics Under Fire: A Study in Valuation Conflicts," *Jour. of Farm Economics*, Aug., 1946. The discussion is carried further in a sequel which considers the problem of "Programmatic Research and Agricultural Policy," *ibid.*, May, 1947. For additional documentation of specific pressures, especially by commodity organizations, on state experiment stations, see *Hearings*, Agricultural Research, 1946, pp. 37-70, 224 ff.

Take marketing research, wherein advocates of the Hope-Flannagan Act have such high expectations as to call forth the warning from Director Noble Clark of the Wisconsin Experiment Station that "research is not a panacea . . ." ¹¹ Congressmen and witnesses alike seemed generally agreed that marketing research had been undeveloped. Albert Goss echoed the general sentiment, saying that "marketing has been kicked around for 15 years . . ." ¹² But, even considering the disparity between action and research already noted, is this wholly true? In reviewing the history of marketing research and service in the federal field, C. W. Kitchen said that during 1923-38 there was "quite a period of growth and stability." ¹³ No one rose to ask whether more was involved than lack of research resources, whether failure effectively to mobilize available resources was not a factor, and whether the processes of policy formation in our research institutions did not contribute to this failure. It is regrettable that Congressmen did not choose to probe these questions rather than to dilate upon the prevention of "duplication and overlapping."

Let us assume that much more research on marketing has been conducted than the framers of the Hope-Flannagan Act were ready to admit. Why have results been inadequate? Why have the consequences of inquiry upon the organization and conduct of the producing, processing, and distributing process been less than profound? The problem has many aspects. (1) Methodology may not have been adequate. (2) Personnel may have been improperly trained. (3) Research may have been kept from concentrating upon significant problem areas because of their controversial nature. (4) The direction of research may have been too much in the hands of men with traditional outlooks, whose natural science training has made them unimaginative regarding problems of social science. (5) Pressures upon research agencies for immediate answers, concrete results of which would be readily demonstrable, to specific problems of influential groups may have inhibited the development of com-

¹¹ *Hearings, op. cit.*, p. 41. He added later, however: "Research in agriculture can do even more to help the farmers in the years ahead."

¹² *Ibid.*, p. 83. In the context it is clear that the reference is to marketing research.

¹³ *Ibid.*, p. 143, and compare the letter of Dean H. J. Reed of Purdue, answering the contention of a state commissioner of agriculture that "the state experiment stations haven't done research in marketing and they won't." Dean Reed explained the scope of marketing research in Indiana and appended a list of 27 experiment station bulletins, one station circular, and five extension bulletins on the subject. *Ibid.*, pp. 225-226.

prehensive scientific research upon the economic and social problems of agriculture.

Others might supplement or change this list; but it suggests that no one line of approach will furnish a specific for the problem. Moreover, because of their mutual inter-effects, it is difficult to abstract any of these items for separate consideration. But our discussion will keep largely to the political context in which, as has been shown, research policy is made.¹⁴

Is our analyzing and organizing ability sufficient to get the "right questions" asked out of this complex political process of research policy formation? Karl Mannheim,¹⁵ it will be recalled, dealt with the problem of bias by arguing that, in the process of knowing reality, individuals in their subjectively conceived interests are both bound and free. The interest-bound bias prevents (for most men, at least) an acquisition of the total view; prevents their seeing things as wholes. Contrarily, the pricks of interest often afford men insights the like of which are denied their less-stimulated neighbors. The analysis helps us understand the conflicts over research policy revealed in the passage of the Hope-Flannagan bill. Moreover, the analysis provides an approach to the problem of mobilizing agricultural research: can we identify the significant interest positions and suggest a means for uniting them in the process of research policy formation? Can this approach (a) enable the special insights to supplement each other and (b) provide a process out of which grows a respect for, based on an understanding of, the positions of other interests?

III. CONFLICTS OF INTEREST

How does Mannheim's theory offer insight into research policy formation? Conflicts of viewpoints in the hearings on the Hope-Flannagan bill show powerful protagonists in agreement on some points, in opposition on others. Some of the opposition seems understandable in terms of different philosophies—divergent conceptions of social reality create different conceptions as to what social policy should be. In both illustrations below, Congressman

¹⁴ Methodological problems in marketing research are discussed in William H. Nicholls' article in the forthcoming volume edited by T. W. Schultz, *New Research Vistas on Agriculture and Rural Life*. Schultz and Lawrence Witt discuss *Training and Recruitment of Personnel in the Rural Social Studies*, (American Council on Education, Washington, D. C., 1941).

¹⁵ *Ideology and Utopia*, translated by Louis Wirth and Edward Shils.

Clifford Hope (R. Kansas), chairman of the House Committee on Agriculture, is the leading protagonist of the idea that government control and regulatory programs should, and can, be removed or strikingly modified.

The first illustration has to do with Section 32 funds, provided by an amendment to the Agricultural Adjustment legislation in 1935, which directed that thirty per cent of the tariff revenue be continuously appropriated for the removal of burdensome agricultural surpluses. Mr. Hope wished to employ part of these funds to support research.¹⁶

Now the divergent point of view. Here the American Farm Bureau Federation is the significant protagonist. In 1945, the AFBF had published a list of fifteen basic laws which help assure farmers against the ravages of future depression-created surpluses, and Section 32 is one of these.¹⁷ The AFBF is not afraid of governmental action programs. President O'Neal's statement on the Hope-Flannagan bill cited the purposes of Section 32, declared that marketing activities involved in these purposes "are of the action type nature and not of the type intended to be covered by Title II of the committee print." The AFBF strongly supported the Hope-Flannagan bill, including Title II; it only wished this part of the act to authorize its own appropriations, leaving Section 32 funds as part of the other "action approach" of government.¹⁸

The other illustration arises out of controversy over the establishment of a separate administration for agricultural research in the USDA. The act states on this point:

"In order to facilitate administration and to increase the effectiveness of the marketing research, service, and regulatory work of the Department of Agriculture to the fullest extent practicable, the Secretary of Agriculture is authorized, notwithstanding any other provisions of law, to transfer, group, coördinate, and consolidate the functions, powers, duties, and authorities of each and every agency, division, bureau . . . or other administrative unit in the Department . . . primarily concerned with research, service, or regulatory activities in connection with the marketing, transportation, storage, processing, distribution of, or service or regula-

¹⁶ In this, he was strongly supported by C. W. Kitchen, now a member of the committee of eleven. Kitchen was moved by the importance of stability in funds for research; but his ideas as to the proper rôle of government are closely in accord with Mr. Hope's. See *Hearings, Agricultural Research*, 1946, pp. 142, 150, 158.

¹⁷ *The Nation's Agriculture*, Oct., 1945.

¹⁸ See the AFBF statement, *Hearings, Agricultural Research*, 1946, p. 209.

tory activities in connection with, the utilization of, agricultural products, into a single agency."

Hope's original draft required the Secretary to set up a separate marketing research administration. From the standpoint of good administrative practice, cogent arguments were advanced against *requiring* the Secretary so to act.¹⁹

But behind these issues was another which is more germane to the present discussion as it suggests the relationship between (a) points of view, (b) institutional arrangements, and (c) the nature of agricultural policy. The issue here was brought out sharply by the colloquy between Congressman Hope and Under-Secretary Dodd.²⁰ Mr. Dodd is a farmer-administrator who has become a career civil servant. In ten years of administrative experience, much of it in extremely responsible positions, he has demonstrated his ability to administer action programs. He enjoys the confidence of many people in the farm organizations; and his standing is very high with the personnel of the Field Service Branch of the Production and Marketing Administration—the old A.A.A. organization which was the avenue of opportunity for Dodd.²¹

Mr. Dodd believes strongly in the reorganization of the USDA (August, 1945) which combined all regulatory and service work, all subsidizing, price-supporting, purchase, storage, and disposal pro-

¹⁹ Congressman Zimmerman asked: "Do you think, or do you not think, that if we put that responsibility on the Secretary [i.e., the responsibility for seeing that marketing research is properly integrated and effectively prosecuted], Congress and the public would have a better chance to put their complaints in against the Secretary and say, 'You have not done this?' But if you set up this department, he can say, 'You have set up this department. I am not responsible for what has been done. You have done it yourselves.' He would be more or less tied." *Hearings, Agricultural Research*, 1946, pp. 203, 205. See also Under-Secretary Dodd's remark: "Actually, when Congress sets up a special administration, the people that you put over in that administration feel that they are set up separate and apart from the rest of us folks, and it is hard to get the proper supervision and use of them. I feel that it would be much better if you told the Secretary to get the job done and allow him the leeway to set up an administration." *Ibid.*, p. 206.

²⁰ See Dodd's testimony, pp. 183-206 of *Hearings, Agricultural Research*, 1946.

²¹ In the controversy over the reorganization of the PMA in the fall of 1946, most of the state chairmen of the Field Service Branch joined in a vigorous protest. They urged, among other things, that Robert H. Shields's resignation as PMA administrator be accepted and that Mr. Dodd be appointed as acting-administrator, "until the confusion caused by the PMA reorganization can be straightened out, and a permanent PMA administrator with a similarly well-established record of public service to agriculture can be selected." See *National Union Farmer*, Nov. 1, 1946, p. 3.

grams in the Production and Marketing Administration, then divided into commodity and service branches. If this organization were retained, Dodd was ready to acknowledge, indeed to advocate, the need for independence of research—providing that such independence were not achieved through Congressional creation of a separate agency. Apparently Mr. Hope acquiesced in this conclusion, after the issues were finally clarified; at least, Dodd's arguments were well-received by Congressmen Phillips, Rizley, and others. Where, then, is the difference in point of view?²²

The difference was stated several times by Mr. Hope in the process of clarifying the issues. He insisted not merely that there should be more marketing research, but that marketing research *should be pursued consciously as a means of reducing and eliminating governmental controls*. He was afraid of consigning research to the administrative direction of men who have been operating control programs so long as (in his judgment) to become control-minded. He reiterated this fear even after Dodd declared: "I for one would like to see some way by which the Government could be out of business 100 per cent tomorrow."

At this point, Mr. Hope might well have said: "Yes, you conscientiously would like to see the cessation of control programs, but you do not really believe it is possible; that is not your point of view; I want someone to direct marketing research who really believes that governmental controls can be eliminated."²³

²² USDA organization for marketing and marketing research, however, remains controversial. Congressional dissatisfaction in this respect apparently influenced curtailment of research funds for 1948.

²³ Anyone reading the testimony will agree that these remarks really convey Mr. Hope's attitude, even if, unfortunately, he did not make them and, therefore, the writer must make them for him! See *Hearings, Agricultural Research*, 1946, pp. 196-201, and 92 *Cong. Record* 9157, July 15, 1946 (Daily ed.).

There is a correspondence in the points of view of Mr. Dodd with respect to the creation of a separate agency for research and that of the Farm Bureau regarding Section 32 funds. Mr. Dodd was not questioned regarding Section 32 funds. The Farm Bureau, in Mr. O'Neal's statement, explicitly stated that it had no policy regarding the Congressional requirement of a separate research administration. This obvious difference can perhaps be explained as one of differing interests in certain institutional or administrative arrangements. Dodd clearly wanted to protect the Production and Marketing Administration. In the same manner, but in another connection, President Walter Randolph of the Alabama Farm Bureau strongly urged that Congress place provisions in the act that would prevent the establishment of new *federal* offices, either regional or within the states, for the prosecution of research. In this, Randolph was joined by some land grant college officials. The concern over the retention of administrative and institutional arrange-

IV. AGREEMENT AND SUPPLEMENTATION IN POINTS OF VIEW

The divergencies noted should not obscure important agreements on basic issues relevant to national agricultural policy. Mr. Hope and the leaders of the American Farm Bureau Federation will serve to illustrate this point. (1) They agree that the marketing system should be kept in private hands ("private" including, of course, coöperatives and probably not excluding municipal ownership of terminal marketing facilities.) (2) They agree in estimating the disadvantages under which agriculture has labored and in favoring governmental assistance to improve farmers' positions. (3) They further agree in the breadth of their concept as to the dependence of agricultural prosperity on general prosperity, and vice versa.²⁴ (4) Finally, they agree to accept the process of policy formation as it has developed in this country. This seems fundamental, if one grants that continued support of democratic processes by influential organizations and representative men is essential for the retention of free government.

Yet an important degree of difference as to the rôle and scope of government does exist. Hope has shown that he will accept the kind of "action" programs that the democratic process produces, stimulated by the demands of such organizations as the AFBF. It may be strongly argued that the existence of groups powerful enough to force government to take positive action provides an essential means for adapting public policy to popular demands—an essential means, that is, if constitutional government, as a method of organ-

ments favorable to the Farm Bureau and the colleges is comparable with Dodd's concern to protect the Production and Marketing Administration.

Yet within, or in connection with, or behind, these issues there was the other issue here under discussion—the issue arising out of different points of view. It is notable that Mr. Hope's difference with the Farm Bureau over Section 52 funds was fundamentally based upon the same reason that made him argue with Dodd as to the organization of research. On both occasions, Hope was struggling against the same point of view—one which accepts the efficiency and inevitability of controls.

²⁴ On this, see the interesting statement signed by representatives of the AFBF, the National Grange, and the National Council of Farmers Coöperatives at Buffalo, N. Y., Oct., 1946, AFBF, *Official News Letter*, Oct. 16, 1946. Cf. Summary of AFBF Resolutions outlining its 1947 legislative program, *Hearings*, Committee on Agriculture, H. of R., 80th Cong., 1st Sess., Feb. 7, 1947, pp. 38 ff., esp. p. 41, "Price Level Stability." We may cite Mr. Hope's work on the Colmer Committee (Post War Economic Policy and Planning); see its 10th Report, *House Report* No. 2728, 79th Cong., 2d Sess., "Postwar Agricultural Policy." See also Hope's praise of the report of the committee of the Land Grant College Association, "Post War Agricultural Policy" (1944), *Hearings*, Agricultural Research, 1946, p. 47.

izing compromise, is to be preserved. But it is doubtful whether the protagonists of vigorous governmental action do appraise—or, following Mannheim's analysis, *can* appraise—the consequences of action programs. At this point men become important who, like Hope, will participate in the policy formation process and persist in attempting to re-direct it. In doing so, Mr. Hope will ask searching questions as to the consequences of governmental policy—*questions which simply do not arise out of concepts shared by many AFBF leaders.*²⁵

V. AN APPROACH TO THE ORGANIZATION OF RESEARCH UNDER THE HOPE-FLANNAGAN ACT

With this analysis, we can turn to the process of policy formation in research. Take the dairy industry. In a notable statement, Director Noble Clark of the Wisconsin Experiment Station emphasized that research in this area must rise to the magnitude of its task. He indicated the inadequacy of any single state to deal with the problem. "It is a question that calls for a coöperative and coördinated approach so that we take into account the needs and the problems and the opportunities of the dairy industry of the entire nation and of agriculture as a whole."²⁶

What groups, associations, or organizations are involved? Given the policy declared by Congress, the following are concerned: natural and social scientists, chiefly in the USDA and in experiment stations of land-grant colleges; research administrators, in the same institutions; administrators of inspection and regulatory programs, most importantly in the dairy branch of the Production and Marketing Administration in the USDA and in the offices of federal milk market administrators; and representatives of interest groups.²⁷

A committee might be formed of natural and social scientists, drawn from the land grant colleges, ranging from New England and the northeast through the north central states, and from the

²⁵ See Mr. Hope's trenchant criticisms of the Agricultural Adjustment program for tobacco, in the writer's article, *Journal of Farm Economics*, Nov., 1946.

²⁶ *Hearings, Agricultural Research*, 1946, p. 43, as revised by Director Clark in a letter to the writer, Feb. 11, 1947.

²⁷ Including processors, distributors, and labor unions. Although these last are less influential in the formation of research policy for agriculture, it will be remembered that the Hope-Flannagan Act includes the integration of administrative programs.

USDA. If this is not sufficient geographical scope, the committee would need to be widened. The committee's task would be to evolve general concepts of what ends, within Hope-Flannagan limits, can be approached; it should then be possible to identify some of the strategic points at which research might be directed to achieve these ends. Here is an area subject to considerable control, federal and state—directly, through agreements and orders under the Agricultural Marketing Agreements Act of 1937, through orders under state milk control laws, and through the administration of sanitation requirements; indirectly, through the Agricultural Adjustment and credit programs of the federal government. The dairy industry has been regulated in a way that Congress says it wants scrutinized; therefore, the area seems appropriate for scientists, acting like scientists, to explore.

But the scientists concerned do not make research policy. Experiment station directors (or their representatives) and policy-making officials in research bureaus of the USDA should, it seems, be in a position to review the findings and recommendations of the technical committee, in the light of facilities and other responsibilities of the research agencies they represent. These men have the responsibility for administrative decision as to the satisfactory delineation of projects, the relationship of proposed research to the scope of the act, distribution of scarce research funds among proposed projects, arrangements for coöperative research, and the like. Some of the administrative decisions have political aspects; for example, the allotment of research resources to dairying and away from some other important agricultural area; or, within dairying, with respect to the scope and direction of the inquiry. But the position of individual state experiment station directors in making controversial decisions might be strengthened through the evolution of a general research program for the dairy industry. It might also be strengthened through the influence of the committee of nine experiment station directors who, under Section I of the act, have to approve interstate coöperative projects. Finally, it might be strengthened by vigorous support on part of the committee of eleven under Section III.

The committee of eleven, as noted, includes representatives of farm organizations. At all events, considering the manner in which influence operates upon research policy in our political society, interested farm organizations should, it appears, also address themselves to the dairy problem. Finally, there are the administrators.

Anyone familiar with recent evolution in dairy market regulation will recognize the strategic importance of federal milk market administrators. Lacking time for research themselves, they are in a position to advise upon research orientation.

The chief feature of this suggestion is that each of the "parties" has something to offer and each needs to be (and frequently will demand to be) considered. This means that the scientists should be given an opportunity to explore the problem *as scientists*; the administrators *as administrators*; and so on. Liaison would be required and, eventually, coördination and final decision as to a general program and specific projects:

The difficulties are impressive. Delineation of the area would be one; agreement on what scientists would be acceptable to serve as representative of various relevant disciplines would be another. Coördination of various working committees would pose serious problems. Among scientists, it is presumed that not even the lawyers could bridge the gap among the disciplines, especially as between social and natural scientists.²⁸ It might be impossible to marshal a committee of the "interests," because of the size and complexity of the industry and of internal differences.²⁹ Liaison between technical, research administrative, interest-group, and action administrative committees would be hard to achieve.

²⁸ "In the process of tapping the experts for their specialized knowledge and skills, the technical equipment of one profession provides the offset for the gaps in the capacities of the others. And for those many things which in a world not clearly designed for full comprehension by man are beyond human knowledge, the lawyer always stands ready to provide precise formulae acceptable to the Supreme Court as unambiguous expressions of legislative intent." Jacob Viner, "The Short View and the Long in Economic Policy," Presidential address, American Economic Association, *American Economic Review*, Mar., 1940, Part 1, p. 6.

²⁹ In 1945, the National Coöperative Milk Producers Federation had seventy-four voting member units and several hundred sub-member units. The power of some of the constituent units, such as the Land O'Lakes Creameries, the Dairymen's League Coöperative Association, and the Pure Milk Association, is well known. One gathers that there are sharp differences among some of the member units. On the outside are powerful groups such as the National Association of Local Creameries. An idea of the difficulty of securing coöperation among such groups is gained from John D. Black, *The Dairy Industry and the A.A.A.*, pp. 351-354.

The Dairy Committee of the American Farm Bureau Federation might be helpful in reconciling interests. This is especially significant in view of Director Clark's emphasis upon the need to consider dairy problems with reference to agriculture as a whole. Dairy has suspected the AAA production control program, fearing that acres shifted from cotton (for example) would be turned to pasture and feed crops, thus raising dairy production; hence the restrictive Boileau amendment to the AAA of 1938—a monument to sectional vested interests. To give another example, John Brandt of Land O'Lakes told Congressman Zimmerman that he was

Yet with all recognition of the barriers to success, this kind of organization for the evolution of research concepts and agreement on the same at least attempts to recognize the forces at work in shaping and prosecuting research policy—and attempts to provide some significant division of functions so that the “parties” to research policy formation can make those contributions for which they are peculiarly fitted.

VI. SUMMARY OF THE PROPOSAL AND SOME CONCLUDING COMMENTS

After analysis of the probable influences upon research policy formation under the Hope-Flannagan Act, the problem was set: how can procedure for research policy be organized so that scientific inquiry is effectively pointed at major problems of agricultural production and marketing that have called forth governmental control and regulatory programs in the past? Mannheim's analysis suggested that an effort might be made to show how special insights of groups differently situated with respect to a complex problem (here, the dairy industry) might be marshalled in deriving research concepts and reaching a degree of agreement on the same. Cumbersome as the procedure suggested is,³⁰ it has the virtue of providing rôles to the various parties in accordance with their special training or function. Moreover, enlistment of various abilities and interests in such joint effort as this might well have important educative effects in what constitutes functioning or operating citizenship in the kind of governmental process now unavoidably thrust upon all of us.

interested in cotton “because I don't want you to go into the dairy business.” *Hearings*, Colmer Committee, *op. cit.*, on Agriculture and Mining, p. 1397. Similarly dairy and corn have sharply disagreed over the AAA program; see the important debate in Congress on Andresen's proposed amendment to the bill raising the Commodity Credit Corporation Loan rates to 85 per cent of parity. Said Representative Dirksen, “. . . it does not require any omniscience to perceive how skillfully this amendment . . . would just raise hell with the Corn Belt,” 87 *Cong. Record*, 3413 ff. (1941). Now, as Galbraith ably demonstrated (*Fortune*, June, 1944), the American Farm Bureau Federation made its mark in the 1930's as a union of cotton and corn—the first successful one in history. But very recently, AFBF has grown markedly in the North Central dairy regions. Thus this organization might be forced by its very make-up to approach a reconciliation of the interests of its members, in and out of the dairy industry.

³⁰ It is hardly more cumbersome than the procedures for the evocation of much major agricultural policy; for that matter, it is no more involved than the present structure of Hope-Flannagan committees.

Finally, four points need to be made to underline the limitations of this analysis:

1. Nothing in the analysis assumes that any of the "parties" to the process of research policy formation, or all of them together, should invade the prerogative and responsibility of major political organs for general policy determinations in this as in other fields.

2. The shared concept of the scope of research does not furnish the framework of a blueprint by which each scientist will find his appropriate assignment and methodology; elsewhere the writer has argued the importance of strengthening "programmatic research" in institutions on both sides of the federal system.³¹

3. By the same token, the process for arriving at shared concepts of the scope of the problem and the general orientation of research thereto must not obscure the fact that, in the final analysis, it is the individual research worker who must produce, but who requires a combination of favorable circumstance and sufficient time for his research.³²

4. This paper is not written in ignorance of the inevitable presence in politics of the power struggle. It may well be that no institutionalization of the process of policy formation can be contrived that will not break apart under the thrusts of powerful interests. Nevertheless, much can be said for endeavoring to apply Burke's constitutional principle, however different the context: "Opposed and conflicting interests render deliberation not a matter of choice, but of necessity; they make all change a subject of *compromise*, which naturally begets moderation; they produce *temperaments* preventing the sore evil of harsh, crude, unqualified reformation; and rendering all the head-long exertions, in the few or in the many, forever impracticable."³³

³¹ *JFE*, May, 1947. The awe inspired by the invocation of "duplication and overlapping" should not obscure the need for continued division of authority in so important a field as research. Moreover, the state of scientific controversy ought to be recognized as precluding a blueprint. For example, economists are agreed neither as to the nature of farmers' responses to prices of dairy products nor—as to the somewhat different question—as to the general effectiveness of prices in allocating resources. Important differences exist as to methodology for such inquiries.

³² An experiment station director writes, regarding more extensive comments on this point in an earlier draft of this paper: "This seems to me to be the most important factor needing emphasis in our plans for the research to be supported with Flannagan-Hope funds."

³³ *Reflections on the Revolution in France* (Harvard Classics, Vol. 24), pp. 188-189.

Note on Political Science Research Under the Hope-Flannagan Act

Political scientists are urged to study this legislation. Although, especially since the Purnell Act of 1925, economics and rural sociology have been represented in research, teaching, and extension divisions in colleges of agriculture, political science (with two or three notable exceptions) has never been included. The writer believes that the balance of social science research and teaching has suffered accordingly; moreover, many administrators in colleges of agriculture are inclined to the same view and would include political science in their work if (a) ways and means could be found and (b) appropriately trained personnel were available.

The ways and means are provided by the Hope-Flannagan Act. Consider the illustration in dairying used above. The act specifically calls for "studies designed . . . to eliminate artificial barriers to the free movement of agricultural products"; it calls for cooperation "among federal and state agencies, producers, industry organizations; and others in the development and effectuation of research and marketing programs to improve the distribution process"; and it calls for "an integrated administration of all laws enacted by Congress to aid the distribution of agricultural products. . . ." Federal and state programs in dairying, trade barriers, formal and informal organization of markets, political influence on marketing programs, administrative problems of coordination—these and more call for political science research.

Or take tailor-making cotton to meet industrial specifications for end-products, e.g., to obtain certain lengths of fiber, tensile strength, water-resistance, etc. It is suggested that cotton production might be placed "on order"; that the mass-production process might be extended down to selected groups of farms. The requirements of collaborative research between natural sciences and economics is emphasized; but how would such a program be made effective without organization, communication, education, or indoctrination, the recording of consent, the development of inspection, and (probably) the employment of sanctions? All these problems are in the area of political science (see *Hearings, Agricultural Research*, 1946, pp. 123-124).

Finally, consider terminal markets. "There is probably no part of the marketing system for food products and probably few parts of our entire economic system as antiquated as these terminal markets, particularly for fresh fruits and vegetables." C. W. Kitchen, *Hearings, op. cit.*, p. 154. Analysis here would be relevant to municipal authority, state and local divisions of powers and legal interpretations thereof, zoning laws and administration, city planning and development commissions, building codes and administration, transportation systems and terminals, inspection of markets, city finance, etc.

Generally, for what political science has to offer in agricultural research, see John M. Gaus and Leon A. Wolcott, *Public Administration and the U. S. Department of Agriculture*, especially pp. 394-399.

AMERICAN GOVERNMENT AND POLITICS

THE HATCH ACT DECISIONS

FERREL HEADY
University of Michigan

I

The principal provisions of Sections 9 and 12 of the Hatch Act, designed to limit the political activities of federal employees and of certain state employees, were challenged in two cases decided by the Supreme Court in February, 1947, and held constitutional in both instances by a divided court.¹

Section 9 of the Hatch Act forbids most officers and employees in the executive branch of the federal government to take "any active part in political management or in political campaigns." At the same time, all such persons are to "retain the right to vote as they may choose and to express their opinions on all political subjects and candidates." The penalty for violation of the act is dismissal from the office or position held.² A similar prohibition against taking part in political management or political campaigns is imposed by Section 12 of the act on any state or local employees whose principal employment is in connection with any activity financed in whole or in part by federal loans or grants.³ The activities prohibited are declared by Section 15 to be the same as those previously determined by the United States Civil Service Commission to be prohibited to employees in the classified civil service of the United States.⁴

A whole barrage of charges was brought to bear against the constitutionality of this legislation. As applied to federal employees, the attack was centered on the second sentence of Section 9 of the act, which reads: "No officer or employee in the executive branch of the Federal Government . . . shall take any active part in political management or in political campaigns." This provision was challenged as repugnant to the First Amendment because it is a deprivation of freedom of speech, of the press, and of assembly. The Fifth Amendment was alleged to be violated on a number of grounds. The provision was said to be a deprivation of liberty because it unreasonably prohibits federal employees from engaging in activities which may be lawfully carried on by persons who are not federal employees; because it effects an arbitrary and gross discrimination between federal employees who are covered and those who are exempted;

¹ *United Public Workers v. Mitchell*, 91 L. Ed. 509, 67 S. Ct. 556 (1947). *Oklahoma v. United States Civil Service Commission*, 91 L. Ed. 537, 67 S. Ct. 544 (1947).

² 18 USCA Sec. 61 h, 7 FCA title 18, Sec. 61 h.

³ 18 USCA Sec. 61 l(a), 7 FCA title 18, Sec. 61 l(a).

⁴ 18 USCA Sec. 61 o, 7 FCA title 18, Sec. 61 o.

and because it is so vague and indefinite as to prohibit lawful activities as well as activities which are properly made unlawful by other provisions of law. Finally, the provision was assailed as a denial of a fundamental right of the people to engage in political activity, allegedly reserved to the people of the United States by the Ninth and Tenth Amendments. Section 12 of the act, applying to state and local employees, was attacked primarily as an invasion of the sovereignty of a state in such a way as to violate the Tenth Amendment.

In disposing of these cases, the Supreme Court had to consider a series of interconnected questions bearing upon the constitutionality of the legislation. First and foremost, what test of constitutionality should be applied in passing on the validity of the Hatch Act? Next, what is the nature and scope of the restrictions on political activity actually imposed by the act? Judged by the test chosen, does Congress have power to place such prohibitions on public employees? Provided these restrictions are valid in certain instances, has Congress gone too far in placing prohibitions on practically all federal employees? If the restrictions are proper as applied to federal employees, does Congress have authority to impose the same prohibitions on state employees by making these rules a condition for extending grants-in-aid to the states?

The United Public Workers Case deals with all except the last of these points. It is the principal consideration in the Oklahoma case.

II

The United Public Workers of America, a union affiliated with the CIO, initiated the litigation questioning the provisions dealing with federal employees. The union and a dozen individual federal employees who were union members joined in a suit for an injunction against enforcement by members of the United States Civil Service Commission of the second sentence of Section 9 (a) of the Hatch Act, previously quoted, and for a declaratory judgment of the unconstitutionality of the sentence. The lower court found that each of the individual appellants had a sufficient interest to maintain the suit, but dismissed the complaint after deciding that the questioned provision of the Hatch Act was valid.⁵ An appeal was then taken to the United States Supreme Court as provided by statute.⁶

The Supreme Court split widely in deciding the issues raised in the case. Two members, Justices Jackson and Murphy, did not participate. On the main issue, three justices dissented from the decision of the remaining four. The dissenters were Justices Black, Douglas, and Rutledge. Justice Black and Justice Douglas wrote separate dissenting opinions, with Jus-

⁵ United Federal Workers of America v. Mitchell, 56 F Supp. 621, 624 (1944).

⁶ 28 USCA Sec. 380 a, 8 FCA title 28, Sec. 380 a.

tice Rutledge agreeing for the most part with the views expressed by Justice Black. The majority opinion was written by Justice Reed. Justice Frankfurter wrote a concurring opinion which does not differ from the majority holding except as to whether the appeal from the lower court was timely.⁷

A preliminary issue faced by the Court was whether a justiciable controversy existed. With a single exception, none of the individual appellants had actually violated the provisions of the Hatch Act. They desired to engage in activities, such as acting as watcher at the polls, which would be contrary to the rule against political activity, and sought a declaratory judgment as to the legally permissible limits of regulation.

The majority of the Court, joined on this point by Justice Rutledge, concluded that the mere desire to engage in the forbidden activities did not present an actual controversy of which the courts can take cognizance. The threat to the interests of these appellants was termed hypothetical rather than actual. They were held to be seeking advisory opinions, instead of presenting legal issues suitable for judicial determination. The lower court, which had found that all the appellants could maintain the action, was overruled on this point.

Justice Douglas disagreed with this conclusion, for reasons concurred in by Justice Black. He thought that the requirement of an "actual controversy" was fully met. He insisted that what the appellants proposed to do was plain enough, and that clearly the act and the policy of the Commission meant that they would be discharged from their positions if they did what they proposed. A declaratory judgment seemed to him proper to pass on the constitutional rights of the appellants to engage in these activities.⁸ To require them first to suffer the hardship of a discharge would, he believed, make inadequate, if not wholly illusory, any legal remedy which they might have.

Having thus disposed of the complaints of all the appellants save one, the Court turned to his case. The remaining appellant, George P. Poole, was employed in the classified service as a roller in the United States mint at Philadelphia. He had served as a ward executive committeeman of the Democratic party in Philadelphia, and on election day in 1940 had been a party worker at the polls and had acted as paymaster for the services of other party workers. Poole admitted having violated the rule against political activity, and agreed that removal from his position was

⁷ The government suggested a lack of jurisdiction in the Supreme Court because of failure of appellants to docket the appeal within sixty days from the time appeal was allowed. Only Justice Frankfurter considered this a valid objection.

⁸ "The threat against them is real not fanciful, immediate not remote. The case is therefore an actual not a hypothetical one. And the present case seems to me a good example of a situation where uncertainty, peril, and insecurity result from imminent and immediate threats to asserted rights." 91 L. Ed. 509, 523-534.

mandatory under the act. The Civil Service Commission had charged Poole with political activity and had adopted a proposed order for his removal at the time this proceeding was begun. Under these circumstances, the Court agreed unanimously to take jurisdiction and to issue a declaratory judgment as to whether the Hatch Act was constitutional as applied to Poole.

Thus narrowed, the exact point to be decided was whether or not Congress can constitutionally require the dismissal of a classified federal employee, such as a roller in a United States mint, for serving on a party committee and acting as a party worker on election day.

III

Basic to a decision in this case is a choice as to the correct constitutional test which should be applied in deciding whether Congress has power to impose restrictions on the political activity of government employees. Here there is a clear clash between the approach applied by the majority members of the Court and that advocated by the minority judges.

Normally, the doctrine followed is that a presumption of validity attaches to a statute alleged to be unconstitutional, and that it will be upheld provided the Court can find a reasonable justification for the legislative action. This is the so-called "rational basis" test. However, the Court has frequently stated that no such presumption of validity attaches to legislation on its face restricting the basic liberties guaranteed by the First Amendment, which are held to occupy a preferred place in our scheme of constitutional values. Any attempt at restriction "must be justified by clear public interest, threatened not doubtfully or remotely, but by clear and present danger."⁹ Since the Hatch Act had been challenged as an invasion of these basic liberties, should it be subjected to the more difficult "clear and present danger" test, or to the usual "rational basis" standard?

The latter test is definitely accepted by the majority as applicable to the Hatch Act. The decision of the Court rests on the assumption, as stated by Justice Reed, that Congress may regulate the political conduct of public employees within reasonable limits, even though the regulation

⁹ *Thomas v. Collins*, 323 U.S. 516, 530, 89 L. Ed. 430, 440 (1945). The Court went on to say in this case: "The rational connection between the remedy provided and the evil to be curbed, which in other contexts might support legislation against attack on due process grounds, will not suffice. These rights rest on firmer foundation. Accordingly, whatever occasion would restrain orderly discussion and persuasion, at appropriate time and place, must have clear support in public danger, actual or impending. Only the gravest abuses, endangering paramount interests, give occasion for permissible limitation." For similar statements, see *Cantwell v. Connecticut*, 310 U.S. 296, 84 L. Ed. 1213, 60 S. Ct. 900 (1939); *Thornhill v. Alabama*, 310 U.S. 88, 84 L. Ed. 1093, 60 S. Ct. 736 (1939); and *Murdock v. Pennsylvania*, 319 U.S. 105, 87 L. Ed. 1292, 63 S. Ct. 870 (1942).

interferes to some extent with unfettered political action. The fundamental human rights guaranteed by the Constitution are not absolutes. Equally worthy of consideration is the responsibility resting on Congress to provide and maintain an efficient public service. It is not the function of the judiciary to strike down measures deemed desirable by Congress, except in the event that no reasonable basis appears for upholding the congressional action.¹⁰

Opposed to this view is that voiced by Justice Douglas, echoed by Justice Black, and accepted tacitly by Justice Rutledge. "In other situations where the balance was between constitutional rights of individuals and a community interest which sought to qualify those rights," says Justice Douglas, "we have insisted that the statute be 'narrowly drawn to define and punish specific conduct as constituting a clear and present danger to a substantial interest' of government. . . . That seems to me the proper course to follow here."¹¹ Similarly, Justice Black emphasizes the point that laws restricting these liberties should be "narrowly drawn to meet the evil aimed at and to affect only the minimum number of people imperatively necessary to prevent a grave and imminent danger to the public."¹² According to this doctrine, the Hatch Act restrictions on political activity could be upheld only by a showing of a "clear and present danger" to the civil service system.

Obviously, a holding that the Hatch Act is constitutional would be much harder to reach under the second doctrine than the first. Added to this consideration, as far as the minority judges were concerned, was the much more apprehensive view taken by them as to the nature and extent of the restrictions actually imposed by the Hatch Act.

The majority opinion stresses the limited nature of these restrictions. Justice Reed notes that the legislation does not interfere with a wide range of public activities. Only partisan political activity is forbidden. This covers active participation in political management and political campaigns, where the purpose is the attainment of party objectives. The right to vote without hindrance is expressly provided for. Likewise, federal employees, as well as other citizens, are allowed to give voice to public or private expressions on public affairs and personalities, provided their activities are not directed toward party success. The implication is that the restraints are not overly important, or burdensome in their application.

Justice Black vigorously takes exception to this analysis. In his eyes,

¹⁰ "The determination of the extent to which political activities of governmental employees shall be regulated lies primarily with Congress. Courts will interfere only when such regulation passes beyond the general existing conception of governmental power." 91 L. Ed. 509, 524.

¹¹ 91 L. Ed. 509, 536.

¹² 91 L. Ed. 509, 528.

the constitutionally protected liberty of the citizens to whom the act applies is reduced to "less than a shadow of its substance."¹³ He finds the privilege of expressing political opinions to be practically nullified because any such expression might lead to a charge of active participation in political management or political campaigns. He points to the long list of activities clearly prohibited by the Civil Service Commission in rules previously issued by it, which are made binding by Section 15 on all employees covered by the act. He charges that many more of these prior prohibitions of the Commission are vague and uncertain. He protests against a warning issued by the Commission that employees are accountable for political activity by members of their families if the purpose is evasion of the intent of the act, alleging that this strips the families of public employees of their freedom of political action also. He concludes that the sum of political privilege left to public employees covered by the act, and to their families, is hardly worth mentioning.¹⁴ Justice Douglas likewise says that the issue is "political sterilization" of the industrial group of government employees, and infers that the Hatch Act would treat them as "second-class citizens."¹⁵ The dissenting opinions emphasize that these bans on political activity apply to approximately three million federal employees, as well as to many thousands of state employees. The conclusion reached is that the Hatch Act restrictions are so drastic as to remove a sizeable proportion of the electorate from full participation in public affairs, and to convert these citizens into "mere spectators of events upon which hinge the safety and welfare of all the people, including public employees."¹⁶

IV

With ideas thus diverging as to the test which should be applied to the Hatch Act, and as to the nature of the restraints imposed by the act, the Supreme Court grappled with the crucial problems as to whether Congress can place such prohibitions at all, and if so, whether they can be applied to all the employees covered by the act.

To these questions, the opinions of the Court provide three different sets of answers. The answers that prevail, of course, are those set forth by Justice Reed in his opinion for the majority. Another concept is developed by Justice Douglas. The third response is worked out by Justice Black, speaking for himself and Justice Rutledge.

¹³ 91 L. Ed. 509, 531.

¹⁴ "They may vote in silence; they may carefully and quietly express a political view at their peril; and they may become 'spectators' (this is the Commission's word) at campaign gatherings, though it may be highly dangerous for them to 'second a motion' or let it be known that they agree or disagree with a speaker."

91 L. Ed. 509, 528.

¹⁵ 91 L. Ed. 509, 536.

¹⁶ 91 L. Ed. 509, 531.

Relying on precedent and application of the "rational basis" doctrine, the majority finds the Hatch Act to be valid specifically as applied to an industrial employee such as Poole, and impliedly as it affects other types of employees covered by the act. Congress bears the major responsibility for providing an efficient public service. Experience has shown that active partisan activity by government employees may be a threat to good administration. The principle of required political neutrality for classified public servants, although perhaps not indispensable, is now generally accepted as a sound element for efficiency. Hence Congress may place limits on the political activities of federal employees which are reasonably related to the preservation of their political neutrality.

Precedent is invoked to bolster the decision. As long ago as 1882, the Supreme Court upheld prohibitions against certain types of political activity, particularly money contributions for political purposes by government employees to other officials or employees of the government.¹⁷ For several decades, as the Court points out, the practice of excluding classified employees from party offices and personal political activity at the polls has been in effect under the Civil Service Act and Civil Service Rules. The Court refers to these restrictions on classified employees and to the Hatch Act provisions with their broader coverage as directed at political contributions of energy by government employees, and considers them similar in purpose to the statutes against political contributions of money. Such limitations are well within the bounds set by the Constitution on the power of Congress to deal with what it considers to be the evils of political activity by government employees. "Congress" says the Court, "is not politically naive or regardless of public welfare or that of the employees."¹⁸ Considering the responsibility of Congress to maintain an efficient public service, the long standing and general acceptance of political restrictions on government employees, and the limited character of the restraints imposed, the Court concludes that Congress had a reasonable basis for enacting this legislation.

As to the argument urged against the act that Congress had gone further than necessary in prohibiting political activity to all types of classified employees, the majority makes short work of it. This point, stressed by Justice Douglas in his dissent, was that even though Congress might place these restrictions on political activity by administrative employees, it could not do so with regard to industrial workers such as Poole, a roller in a United States mint. The majority opinion simply states that whether there are differences between administrative employees and industrial workers, and what those differences may be, are matters of detail to be

¹⁷ *Ex parte Curtis*, 106 U.S. 371, 27 L. Ed. 232, 1 S. Ct. 381 (1882); see also *United States v. Wurzbach*, 280 U.S. 396, 74 L. Ed. 508, 50 S. Ct. 167 (1930).

¹⁸ 91 L. Ed. 509, 523.

worked out by Congress. The constitutional power to regulate is not affected by decisions reached by Congress on these matters. Hence, although the Court actually approved of the Hatch Act only as applied to Poole, it seems clear that the majority would have reached the same result no matter what category of employee had attacked the act.

Turning to the argument of Justice Douglas, the pivotal point for him in this case is the difference between industrial workers and administrative employees in the civil service. As far as the entire group of civil servants in the administrative category is concerned, he is apparently willing to permit Congress to cut them off from partisan activities. He recognizes the importance of a strong civil service system. He realizes the threat that partisanship can make to the effectiveness of administration. He agrees that it is desirable "to develop a civil service which can and will serve loyally and equally well any political party which comes into power."¹⁹

In working toward this objective, Congress should be permitted to protect the integrity of the entire group of employees who have any part in policy-making or administrative action, by insulating from partisan activities even the lower levels of these administrative employees, such as clerks and stenographers. He intimates that, even by applying the "clear and present danger" test, he would hold the Hatch Act constitutional as applied to employees in these administrative positions.²⁰

Similar restrictions on political activity by industrial employees such as a roller in the mint, on the other hand, do not to his mind meet that test of constitutionality. Justice Douglas asserts that Poole "is as remote from contact with the public or from policy-making or from the functioning of the administrative process as a charwoman."²¹ No showing is made of a clear and present danger to the civil service system which justifies a sacrifice of the political rights of industrial workers. If Congress uncovers specific evils involving industrial workers, specific treatments must be developed to cope with them. For example, it might be proper to enact legislation protecting industrial workers from political pressures by those in supervisory positions, or to prohibit political activities by industrial workers on government premises or during working hours.

The opinion of Justice Black shows even less of an inclination to authorize interference with the political activities of public employees. He be-

¹⁹ 91 L. Ed. 509, 535.

²⁰ Among the appellants whose complaints were not considered by the Court were an economic statistician, a financial analyst, a labor economist, a procedural assistant, and other employees who probably would be placed by Justice Douglas in the administrative category. He states that a discussion of the constitutionality of their claims would be premature, since the Court did not reach that issue. 91 L. Ed. 509, 534.

²¹ 91 L. Ed. 509, 535.

lieves that the Hatch Act restrictions muzzle several million citizens, with consequences that are a threat to popular government. Although recognizing that forced contributions of money and influence by public employees may be prohibited, he protests against a drastic stifling of political utterances and political activities of public employees as a class. Nothing in the previous Supreme Court decisions cited by the majority seems to him to lend the slightest support to the Hatch Act.

No argument based on the insuring of clean politics or good administration convinces Justice Black that broad restraints on all public employees may be justified because a few of them might abuse their political privileges. If some public employees coerce other citizens, or if some higher officials in the public service coerce their subordinates, laws can be narrowly drawn to deal with the offenders. Nor does he rely on the distinction between industrial workers and administrative employees to permit more severe political limitations on the latter group. The position taken by him and by Justice Rutledge indicates, therefore, that whatever the type of position held by the employee challenging the Hatch Act, they would have held the act unconstitutional.

V

In the second case, *Oklahoma v. United States Civil Service Commission*,²² the Supreme Court considered the validity of Section 12 of the Hatch Act. This provision extends the ban on active participation in political management or in political campaigns to state and local employees whose principal employment is in connection with any activity financed in whole or in part by federal loans or grants.

France Paris, while a member of the State Highway Commission of Oklahoma, an agency whose activities were financed in part by loans and grants from a federal agency, had occupied the position of chairman of the Democratic state central committee for Oklahoma, and had participated in the staging of a "victory dinner" designed to raise party funds.

The United States Civil Service Commission determined that this constituted taking an active part in political management and in political campaigns. As provided in Section 12(b) of the Hatch Act, the Commission sent notice to Mr. Paris and to the state highway commission that it considered that the violation warranted his removal as highway commissioner. When the removal was not made by Oklahoma, the Civil Service Commission prepared, as the act further provides, to order as a penalty the withholding from highway grants to Oklahoma of an amount equal to two years' compensation at the rate received by Mr. Paris.

Meanwhile, the state of Oklahoma began proceedings, provided by the

²² 91 L. Ed. 537, 67 S. Ct. 544 (1947)

statute, for court review of the Commission's action. The lower courts upheld the Commission, and the case was appealed to the Supreme Court.

In the Supreme Court, the first issue was whether Oklahoma had standing to question the constitutionality of the act. On this point, the Court held, over objections stated by Justice Frankfurter in a concurring opinion, that Oklahoma was a "party aggrieved" by the determination of the Commission within the statutory provision permitting review, and could attack the constitutionality of the statute upon which the Commission's determination was based.

In the United Public Workers case, the Court had already decided that acting as an official of a political party violates the provision against taking part in political management or in political campaigns, and had upheld the constitutionality of that provision. Consequently, the remaining question was whether the penalty aspects of Section 12 of the act invaded the sovereignty of Oklahoma in such a way as to violate the Tenth Amendment. Oklahoma contended that the coercive effect of the authorization to withhold sums allocated to a state constitutes an interference with the reserved power of the state.

To this the Court replied that the Tenth Amendment had not been violated. "While the United States is not concerned and has no power to regulate local political activities as such of state officials, it does have power to fix the terms upon which its money allotments to a state shall be disbursed."²³ Congress had exercised this power for the valid purpose of seeking better public service by requiring those who administer federal funds to abstain from active political partisanship. The means used were appropriate to the end sought. An incidental effect on certain activities within the state does not invade the state's sovereignty or render invalid the action of Congress.

Since this power to place conditions on federal offers of financial benefits to a state has often been recognized by the Supreme Court,²⁴ it is not surprising to note that no member of the Court objected to this treatment of Oklahoma's claim. Justices Black and Rutledge did dissent without opinion from the decision, presumably because of their aversion to the imposition of the Hatch Act restraints on public employees, state or federal. Justice Douglas joined the majority here, since Paris, obviously an administrative official, did not qualify for the protection he had urged on behalf of Poole in the previous case.

²³ 91 L. Ed. 537, 546.

²⁴ For example, *Massachusetts v. Mellon*, 262 U.S. 447, 67 L. Ed. 1078, 43 S. Ct. 597 (1923), and *Steward Machine Co. v. Davis*, 301 U.S. 548, 81 L. Ed. 1279, 57 S. Ct. 883 (1937).

VI

An analysis of the Hatch Act decisions reveals a twofold significance. They make a substantial contribution to constitutional doctrine with regard to the proper balancing of the public interest as against individual liberties. Furthermore, they contain provocative suggestions for the formulation of legislative policy regulating the political activities of public employees.

The "clear and present danger" standard is apparently rejected as the test of constitutionality for legislation passed by Congress which, in the interest of an efficient public service, places restraints on political participation by government employees. True, only four of the nine members of the Court actually endorsed the "rational basis" doctrine as an alternative, since two justices did not participate in these decisions. The possibility presumably exists that a future case in which the entire Court sits might modify this holding. At any rate, it is definite, in view of the stand taken by Justice Douglas, that a solid majority of the entire membership is already on record as conceding the power of Congress over the political conduct of employees who have some part in policy-making or administrative action.²⁶

On this matter of constitutional power, the majority opinion is convincing.²⁸ It recognizes the advantages of legislative discretion in adopting measures to promote an effective public service. Congress should have leeway to act as the teachings of experience dictate. It admits the dangers of judicial intervention which would stay the hand of Congress. In that event, the Court realizes, the nation would be left "impotent to deal with what many sincere men believe is a material threat to the democratic system."²⁷ The decision is based on the valid assumption that Congress may, as a condition of employment, place on citizens who are public employees restraints which may not be imposed on all citizens.²⁸ At the

²⁶ A further indication of the tendency to give Congress and the Civil Service Commission a free hand in using the dismissal power is the recent case in which the Court refused to review the dismissal of a classified civil service employee for membership in a Communist front organization. *Friedman v. Schwellenbach*, Memoranda Case No. 990, petition for writ of certiorari denied, March 17, 1947, 91 L. Ed. 790. See *New York Times*, Mar. 17, 1947, p. 1.

²⁶ For comments by Senator Hatch on these Supreme Court decisions, see *Cong. Record*, Vol. 93, No. 30, pp. 1092-1093 (Feb. 14, 1947).

²⁷ 91 L. Ed. 509, 523.

²⁸ The famous epigram of Justice Holmes in the Massachusetts case of *McAuliffe v. New Bedford*, 155 Mass. 216, 220, 29 NE 517 (1891) is quoted approvingly by the Court. In a proceeding where a policeman had been removed for political activity, Justice (then Judge) Holmes wrote: "The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman." 91 L. Ed. 509, 522, fn. 34.

same time, ample protection is available to shield individual liberties against an abuse of Congressional power. The Court takes pains to note that there are limitations on that power which would exclude, to take an obvious example, such a regulation as one providing that no Republican, Jew, or Negro shall be appointed to federal office.

The extreme position taken by Justices Black and Rutledge that the Hatch Act provision is unconstitutional on its face, seems, on the other hand, to emphasize unduly the threat to citizen participation in public affairs, at the expense of Congressional power to cope with problems which are the primary responsibility of Congress. The result would be an encroachment by the courts on a legitimate legislative function. Here Congress is not legislating to interfere with the political activities of the citizenry in general, but restraining federal employees and a limited number of state employees from partisan actions for the purpose of protecting the integrity of the public service. Justice Black fears that the reasoning behind the Hatch Act might lead to legislation in the future which would deprive millions of farmers or business men of all right to participate in elections because Congress thought that federal farm or business subsidies might prompt some of them to exercise a corrupting influence on politics. It would seem an adequate answer that the Supreme Court will have a chance to judge such a law should it be enacted, and that nothing in the present decisions indicates that approval would be given.

The distinction drawn by Justice Douglas has more merit, although he does not succeed in demonstrating that it is substantial enough to be converted into the decisive test for constitutionality. Congress is a more appropriate body than the Supreme Court to decide on differences in the character and the treatment of administrative and industrial employees. The situation that he postulates in which a broad policy of state ownership of basic industries, such as now adopted in England, might lead under the majority decision to debarring hundreds of thousands of industrial workers from normal political activity, may safely be left for the future concern of Congress and of the Supreme Court.

Much more suggestive than their contribution to the constitutional aspects of the Hatch Act are the implications of the dissenting opinions as to the legislative wisdom of the statute as now written. Many of the arguments which fall short of proving that the Hatch Act is unconstitutional have a telling effect in questioning its expediency. The picture painted by Justice Black of the extent to which public employees have been stripped of their political privileges by the Hatch Act may be somewhat overdrawn, but surely it is accurate enough to give pause to anyone who may regard these legal restraints as inconsequential. The practical effect of this legislation is to quarantine a sizeable segment of the population from participation in many important aspects of political life. The number of citizens

in the group thus circumscribed is more likely to increase than to diminish.

There does seem to be a contradiction between the desired objective of a more effective administration of governmental affairs, on the one hand, and on the other, the means used of removing from full participation in the processes of democracy most of the individuals who are entrusted with the task of making democratic government work. Granted that weighty reasons tested by experience underlie the policy embodied in the Hatch Act, it seems pertinent to reconsider that policy in the light of the criticisms brought out by these opinions.

The guide for reëxamination would be that public employees should be shorn of political privileges only when correspondingly substantial benefits accrue to the civil service system. In other words, the "clear and present danger" concept might well be shifted from the field of constitutional doctrine to that of legislative determination. Congress should, as a matter of legislative policy, be extremely cautious in enacting laws restricting the political activities of governmental employees, by providing specific remedies for specific evils rather than drastic prohibitions sweepingly applied as a palliative to supposed or imperfectly understood threats to good administration.

Should the Hatch Act be scrutinized in this light with a view to possible revision, the idea which Justice Douglas develops as to the differences between categories of employees²⁹ might well be a point of departure. Surely there are much more pressing reasons for insisting on the political neutrality of a civil servant who is a bureau head in a federal department, or even an information clerk who has contact with the public, than one who is a janitor, an elevator operator, a machinist, or like Poola a roller in a mint. In the British civil service, recognition of this diversity has led to a marked difference in the treatment of administrative and industrial employees, with results which might prove instructive in handling the problem of political activity by public employees in this country.³⁰

The Hatch Act decisions serve the dual purpose of upholding the constitutional power of Congress to take reasonable measures to protect the public service against the evils of employee partisanship, and at the same time of focussing attention on the wisdom of a legislative policy which will encroach only as far as positive necessity demands on the opportunity of all citizens to participate fully in the processes of democratic government.

²⁹ On this point, Justice Douglas quoted from Fritz Morstein Marx, *Public Management in the New Democracy* (1940), pp. 205, 206.

³⁰ A bill has been introduced in the Senate by Senator Ellender to repeal the Corrupt Practices Act of 1925 and the Hatch Act, and substitute new legislation to be known as the Federal Corrupt Practices and Pernicious Activities Act of 1947. This proposal would not, however, change materially any of the provisions of the Hatch Act dealt with in this article. See *Cong. Record*, Vol. 93, No. 76, pp. 4251-4254 (April 28, 1947).

STATE CONSTITUTIONAL LAW IN 1946-47

FOSTER H. SHERWOOD

University of California Los Angeles

The oft-heard argument in behalf of federalism that the states furnish important laboratories for social and political experimentation is illustrated by a good many new constitutional provisions interpreted for the first time this year. Two states, Missouri and Georgia, adopted entirely new constitutions in 1945, important sections of which have come before the highest courts for interpretation. One of these, the Georgia constitution of 1945, provides specifically: "Legislative acts in violation of this constitution or the constitution of the United States, are void, and the judiciary shall so declare them." Such a provision may very well raise more questions than it settles—for example, what effects can be accorded unconstitutional acts?; can the other agencies of government refuse to perform under statutes they consider unconstitutional?; can the judiciary declare acts of the governor and other officers unconstitutional?; etc. Such questions have not as yet been raised. But there is some evidence that we may be embarking on an era of constitutional revision similar to that which followed the Civil War. If so, the problems of constitutional law now being discussed may furnish a clue to the kind of new documents to be written. This year the emphasis has been on civil rights and methods of adjusting state finances to the rapidly fluctuating value of the dollar—problems which naturally arise out of the intense social and economic conflicts of the past decade.

I. GOVERNMENTAL ORGANIZATION

State Government. The most newsworthy state decision of the year involved the title to the office of governor in Georgia.¹ The news reports of the entire history of the controversy were so complete that no more than a summary of the facts is required here. In the gubernatorial election of November 5, 1946, a majority of the electoral votes under Georgia's district system were pledged for Mr. Eugene Talmadge. His death before the convening of the General Assembly in January, 1947, at which time the canvass of the vote for governor was to take place, posed the problem of how to select a successor to Governor Arnall. The Assembly passed a resolution resolving the issue by claiming its right to elect a governor, and proceeded to elect Mr. Herman Talmadge, who had received the largest number of write-in votes in the election. At about the same time, Governor Arnall, as hold-over incumbent, resigned in favor of Mr. Thompson, who had been elected lieutenant governor in the November election. The con-

¹ Thompson v. Talmadge, 41 S.E. (2nd) 883 (Ga., Mar., 1947).

stitution provided that the Assembly should "open and publish the returns," but, "if no person shall have such majority, then from the two persons having the highest vote, who shall be in life and shall not decline an election at the time appointed for the General Assembly to elect, the General Assembly shall immediately, elect a Governor *viva voce*" And, "Contested elections shall be determined by both houses of the General Assembly in such manner as shall be prescribed by law."

The majority opinion, although poorly written, seems to be based on four principal arguments. First, that the constitutional clause quoted above, which established judicial review, refers not only to legislative "acts" in violation of the constitution, but also to lesser forms of legislative action such as resolution. Since, further, the question of title to office "is a judicial question—one which it is not only the duty of the courts to decide, but one which, in our judgment, it is the exclusive province of the judiciary department to determine,"² the federal rule that such questions are political³ does not apply in Georgia. This is so because "if in the present cases a construction of the constitution is involved, that is a justiciable question which the courts have the exclusive jurisdiction to adjudicate in determining such cases."⁴ Secondly, "in publishing the returns and declaring the results, the members of the General Assembly were performing a strict and precise duty identical in character with that which rests on any and all persons who are merely authorized to canvass."⁵ As such, they were performing a mechanical and non-discretionary duty completely separated from their function of choosing a governor when no candidate has a majority of votes. Nor is this case to be considered as an instance of a contested election, since the election results were not challenged. In the third place, the power claimed by the legislature cannot be implied from any express provision of the constitution; for, unlike legislatures in other states, the Georgia Assembly possesses only enumerated and not residual powers. In particular, "in electing a governor it would necessarily act as an agency or body of *special and limited* jurisdiction, and the facts essential to the existence of its jurisdiction in such matter should affirmatively appear."⁶

Finally, since the constitution provides that the incumbent governor is authorized to occupy the office "until his successor shall be chosen and qualified," and since a successor had been chosen but had not qualified by reason of his death, Governor Arnall was the legal occupant of the office until the date of his resignation, at which time the legally chosen and qualified lieutenant governor, Mr. Thompson, assumed the office.

Two dissenting opinions were filed. The first, written by the chief jus-

² Quoting from *Low v. Towns*, 8 Ga. 360, 367 (1850).

³ See *Coleman v. Miller*, 307 U.S. 433, 59 S. Ct. 972 (1938).

⁴ 41 S.E. (2nd) 883, 890.

⁵ *Ibid.*, 892, 893.

⁶ *Idem*, 895.

tice, agreed, at least in part, that the controversy was a justiciable one. It also agreed that the Assembly lacked any implied or inherent power to act; that specific provisions of the constitution pointed the solution of the controversy. The disagreement came in characterizing the nature of the legislature's function. The chief justice maintained that the duty of declaring the duly elected governor is an adjudicatory one, to be exercised on the existing state of facts and not on facts as they existed at the time of the election. Therefore, the reference to *living* candidates from which the Assembly makes its choice need not be repeated in the clause concerned with qualifying the "person" receiving the majority of the votes. Once having shown the authority of the Assembly to act, he believed that the decision taken was a political question not subject to judicial review, although he was careful to point out that it was the correct one. The other dissent by Justice Candler adopted the principal Talmadge argument, that the case was not a justiciable one in any sense.

Because of unfortunate experience during the depression, a few states have constitutional provisions forbidding their state governments to borrow money except in anticipation of tax receipts. Such provisions cause considerable embarrassment when the state wishes to engage in long-term improvement programs of one kind or another. One accepted evasion of such prohibitions lies in creating public corporations with the authority to borrow on their own credit for such activities as are entrusted to them. But when the project involved is not self-liquidating over a fairly short time, difficulty in floating such securities may be encountered. The Georgia Ports Authority was faced with such a problem and the legislature attempted to come to its rescue.⁷ By statutes passed in 1946, the state pledged to pay whatever deficits might accrue, and the revenue to be derived from a lease between the state and the Western and Atlantic Railroad was also pledged to the Authority. These acts were held unconstitutional because they constituted a grant of the state's credit contrary to the prohibition of a state debt and did not fulfill the constitutional requirement that appropriations must "be for a specific sum of money."⁸ Alabama, perhaps, may furnish the answer to its neighbor state. There the legislature gave the governor authority to release all funds in excess of expenses, appropriations, and service on existing debt for the payment of debts of state agencies.⁹ The agency involved here was the University of Alabama, which had taken over the Birmingham Hospital from the county together with its bonded debt, largely held by the R.F.C. Such a statute was held not to create a state debt contrary to the constitution, nor to

⁷ State Ports Authority v. Arnall, 41 S.E. (2nd) 246 (Ga., Jan., 1947).

⁸ Compare Smith v. Robertson, 41 S.E. (2nd) 631 (S.C., Feb., 1947).

⁹ Norton v. Lusk, 26 So. (2nd) 849 (Ala., June, 1946).

violate those provisions of the constitution forbidding expenditures except under legislative authorization. In the latter case, it was held that the governor had been delegated authority to find facts under standards fixed by the legislature. To the same effect is a decision of the Florida court holding constitutional a statute giving the budget commission and the governor authority to transfer such surplus funds to the building fund.¹⁰

Constitutional tax provisions came in for only minor consideration in several states. In New Mexico it was held that a constitutional amendment passed at the end of World War I which permitted the legislature to grant a property tax exemption of \$2,000 to servicemen or their widows applied to veterans of World War II or their widows.¹¹ Since the amendment, as well as the statute passed under it, contained no specific reference to any particular war, it was presumed by the court that all who voted on the matter must have known at that time that other wars would follow.

Elsewhere it was clearly implied that a document stamp tax in lieu of the property tax on mineral leaseholds on lands in the state was no violation of the constitutional requirement of uniformity in property taxation, since the purpose of the law is legitimate and clear, namely, to encourage the investment of capital in such enterprises.¹² It was also decided that the constitutional provision limiting expenditures from social security funds to "assistance" did not prevent the legislature from authorizing the use of reasonable amounts for burial expenses of old age pensioners.¹³ The Kentucky court reversed a previous decision¹⁴ to hold that the constitution requires the levy of property taxes on the principal of a life insurance annuity held by a Boston corporation.¹⁵ In view of the reversal, however, the court held that the decision was to apply prospectively only. Finally, the effort of the Iowa legislature to equalize the funds of school districts whose taxable resources are unequal was crowned with success.¹⁶ The barrier was a constitutional provision which allocated revenues from federal land grants and "such other means as the General Assembly shall provide" to school districts in proportion to their respective number of

¹⁰ *State ex rel. Caldwell v. Lee*, 27 So. (2nd) 84 (Fla., July, 1946). See also *Dowe v. Egan*, 133 Conn. 112, 48A (2nd) 735 (July, 1946) holding that the legislature may authorize the state security administrator to "order" payments from state funds; and *State ex rel. Bd. of Aero. v. Sims*, 41 S.E. (2nd) 506 (W. Va., Feb., 1947), approving authorization of the board to requisition sums for city and county airports.

¹¹ *Flaska v. State*, 177 P. (2nd) 174 (N.M., Dec., 1946).

¹² *Miss. Pwr. & Lt. Co. v. Love*, 27 So. (2nd) 850 (Miss., Nov., 1946).

¹³ *Redman v. Davis*, 174 P. (2nd) 945 (Colo., Nov., 1946).

¹⁴ *Button v. Hikea*, 296 Ky. 163, 176 S.W. (2nd) 112 (1943).

¹⁵ *Button v. Drake*, 195 S.W. (2nd) 66 (Ky., June, 1946).

¹⁶ *Kleen v. Porter*, 23 N.W. (2nd) 904 (Iowa, Oct., 1946).

children of school age. It was held that the "means" referred to appropriations to the permanent school funds and not appropriations made directly for school use.

Legislative reapportionment was the subject of three cases raised in Oklahoma.¹⁷ The constitution imposes on the legislature the duty of re-districting state senatorial districts, but the legislature has refused to act since 1930. The court held that although the constitution provides for judicial review of legislative apportionment, the judiciary has no power to compel the legislature to act. These cases took the form of petitions to require the election officers to list petitioners as candidates for the additional seats to which Tulsa county was entitled. In Wisconsin, a much more ingenious effort was made to accomplish a reapportionment.¹⁸ There an injunction was sought to prevent any elections to the state legislature, on the ground that the 1931 reapportionment act became invalid at the end of the 1941 session of the legislature and there was therefore no act in existence under which such elections could be held. The court dismissed the case for want of jurisdiction because the constitution speaks directly to the legislature with respect to reapportionment, and because to act favorably on the petition would be to prevent the only possible solution of the difficulty, a legislative reapportionment. The court also pointed out that it could not enforce such a decision and that the likelihood of its being obeyed was very slight.

Separation of Powers. The perennial problem of the relative importance and functions of the three departments of state government seems to be producing an increasing volume of litigation. The comparatively lesser rôle of the state executive in relation to the President is illustrated by an Oklahoma decision involving the power to declare an emergency.¹⁹ Under the Federal Servicemen's Readjustment Act, the governor made an allocation of \$30,000 to the state soldier's relief commission established by state statute.²⁰ This fund was needed to pay petitioner's claim as directed in a certificate of the governor to the auditor and treasurer, the statutory fund of the commission having been exhausted. As required by the state law, the certificate contained a claim of emergency. The court reaffirmed the rule of a prior decision²¹ holding that such a declaration of an emergency

¹⁷ *Latting v. Cordell*, 172 P. (2nd) 397; *Temple v. Cordell*, 172 *ibid.* 412; *Hoyt v. Cordell*, 172 *ibid.* 414 (Okla., Aug., 1946). Following *Burns v. Flynn*, 268 N.Y. 601, 198 N.E. 424 (1935).

¹⁸ *State ex rel. Martin v. Zimmerman*, 249 Wis. 101, 23 N.W. (2nd) 610 (June, 1946). To the same effect, see *Colegrove v. Green*, 328 U.S. 549, 66 S. Ct. 1198 (1946).

¹⁹ *Cope v. Childers*, 170 P. (2nd) 210 (Okla., June, 1946).

²⁰ The statute was found constitutional in *Wells v. Childers*, 165 P. (2nd) 358 (Okla., 1945).

²¹ *Holt v. Childers*, 168 P. (2nd) 890, 893 (Okla., Apr., 1946).

would not be disturbed except "for lack of power or an abuse of discretion." Since the challenge was limited to the power and not to the facts, the discretion was assumed to be soundly exercised. The court took notice of the fact, as pointed out by the governor, that the legislature had adjourned before the end of hostilities, which latter event was bound to increase the benefits claimed under the law. This, it was held, justified calling the situation an "emergency."

The dissent took a somewhat different ground, alleging that under the facts of the case, the opinion in effect was authorizing the governor to spend money which had not been appropriated by the legislature; and that the occasion of an emergency was ground for a special session of the legislature and nothing else.

The supreme court of Mississippi was called on to discuss the relation between the governor's constitutional power to pardon and the statutory power of courts to suspend sentences in criminal cases.²² This represented the first challenge of the statute on these grounds since its passage in 1914. The opinion follows the well-defined argument that sentencing criminals is a proper judicial function which may be exercised while the court has jurisdiction of the case; and that the court has been given jurisdiction extending over the period of the suspension by the statute.

In Nebraska, the question of whether a member of the state liquor control commission was an "executive" officer was raised in connection with a constitutional provision forbidding appointment of such officers to any other state office during their elective or appointive term.²³ The constitution enumerates certain executive officers and includes as such "the heads of such other executive departments as may be established by law. . . ." The act creating the commission had been passed by a two-thirds vote, which is required for the creation of executive officers, but there was no evidence that this fact was other than accidental. The court was forced to decide the question solely on inference and indirect evidence, since the intent of the framers of the constitution's provisions was uncertain, the proceedings of the convention having been destroyed by fire. In view of the facts that appointments to the commission were not submitted to the legislature for confirmation for the first eight years of its existence, that members take no oath of office as department heads, that they do not post the \$50,000 bond required of executive officers by the constitution and statutes, and that they are removable only for cause, rather than at the pleasure of the governor, as is true of department heads, members of the commission are not executive officers. Merely because the commission performs some executive functions does not make it an executive agency.

²² *Gabriel v. Brame*, 28 So. (2nd) 581 (Miss., Jan., 1947).

²³ *State ex rel. Johnson v. Chase*, 25 N.W. (2nd) 1 (Neb., Nov., 1946).

The proper criteria, the court maintains, involve whether the officer is subordinate to the governor, whether his functions are exclusively or primarily law enforcement, and whether they concern "the political government of the state."

The supreme court of Oregon read a lesson to the lower courts of that state on the duty of trial court judges.²⁴ In a divorce action involving custody of the children, the trial court, evidently pressed for time, approved a stipulation of the parties that the custody issue was to be determined by the results of an investigation. The court authorized the investigation and received the report. Without setting it forth in the record, it was used to determine the question of custody. The supreme court, quoting from California opinions,²⁵ reversed this part of the decree on the ground that the trial court had delegated its judicial function, that of deciding on conflicting evidence, to another. The error, of course, consisted in not treating the investigation as an intermediate report and allowing argument on it prior to its acceptance.

In California, it was held that where failure to file notice of appeal in a criminal case within the statutory time limit was due to the negligence of state prison employees, "the ends of justice can only be served by relieving from the default and thus protecting the constitutional powers of this court and the fundamental rights of appellant."²⁶

The judicial power also received the attention of the Indiana supreme court. A statute of that state, in order to speed up the decision of court cases, provides that a "judge shall not, except in case of severe illness of himself or family, hold the same under advisement for more than sixty (60) days . . . if the judge shall fail to determine any issue of law or fact which has been taken under advisement within ninety (90) days," the case can be withdrawn, the judge disqualified, and a special judge appointed—all at the request of either litigant. Relator sought a writ of prohibition to prevent further action in his case, which had been held under advisement for over ninety days.²⁷ The judge challenged the constitutionality of the act as a legislative encroachment on the judicial power. The court points out that this is the first direct constitutional challenge of the act, which has been on the statute-book for several years. This judge was evidently the first to catch the implied doubts as to its constitutionality contained in previous cases where the question was not clearly raised.²⁸ These doubts

²⁴ *Nelson v. Nelson*, 176 P. (2nd) 648 (Ore., Jan., 1947).

²⁵ *Fewel v. Fewel*, 23 Cal. (2nd) 431, 144 P. (2nd) 592 (1943); *Washburn v. Washburn*, 122 P. (2nd) 96 (Cal., 1942).

²⁶ *People v. Slobodion*, 176 P. (2nd) 937, 943 (Cal. App., Feb., 1947).

²⁷ *State ex rel. Kootas v. Johnson*, 69 N.E. (2nd) 592 (Ind., Nov., 1946).

²⁸ See, for example, *State ex rel. Harlan v. Munic. Ct.*, 221 Ind. 12, 46 N.E. (2nd) 198 (1942).

are then resolved against the constitutionality of the act. "Any act by which the legislature attempts to hamper judicial functions or interfere with the discharge of judicial duties is unconstitutional and void." This act interferes with the "inherent" power of the courts to judge of the order in which cases will be disposed of. Since this is an inherent power of any court, it is possessed by all courts exercising judicial power, whether established by the constitution or, as here, by legislative act. The Pennsylvania orphans courts were found to be subject to limited legislative control, although constitutionally established.²⁹ The constitution provided that such courts "shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred" Before this constitution was adopted in 1873, such a court had complete supervisory authority over executors of estates. But in 1945 a statute was passed which limited their authority by denying them the right to set aside contracts for sales of property where a higher bid had been obtained. The court held that such a modification, short of complete abolition, was possible since the "vested" jurisdiction prior to 1873 was statutory. The court's opinion in part is based on the fact that these are not common law courts.

The body of cases defining the limits of "inherent judicial power" was further augmented during the year. The leading case concerns the power to punish for contempt of court. A New Jersey vice-chancellor held that "falsely, deceptively, and perjurally" testifying before a special-master constituted contempt beyond the control of the legislature.³⁰ The court was faced with two principal arguments by the defendant. He alleged that, first, having recanted, he had removed all obstructions to justice and therefore was not guilty of the offense; and second, that by an act of 1917, the legislature limited criminal contempt to "misbehavior of any person in the actual presence of the court." After expressing his indignation at the flagrancy and number of contemptuous acts committed, the vice-chancellor met the first argument with the citation of federal and state cases holding that recanting does not relieve one of guilt of perjury.³¹ Federal cases holding the contrary with respect to contempt were distinguished on the dubious ground that they involved contempts before lower federal courts, creatures of statute, where contempt proceedings were statutory in nature. The opinion then goes on to argue at consider-

²⁹ *In re Brereton's Estate*, 355 Pa. 45, 48A. (2nd) 868 (Sept., 1946). Other special courts involved in cases decided this year include the Louisiana juvenile courts, which were found to have exclusive jurisdiction over non-support cases even though criminal, *State v. Kiffe*, 28 So. (2nd) 459 (Nov., 1946), over which the Supreme court has appellate jurisdiction only on questions of law, *State v. Smith*, 210 La. 581, 27 So. (2nd) 359 (June, 1946).

³⁰ *In re Caruba*, 51 A. (2nd) 446 (N.J. Ch., Jan., 1947).

³¹ See *U.S. v. Norris*, 300 U.S. 564, 57 S. Ct. 535 (1937).

able length that vice-chancellors, masters, and other officers of the court in New Jersey are constitutional officers. The mere fact that they were unmentioned in the constitution of 1776 and the present constitution of 1844, and that the legislature granted the power to appoint such officers by statute in 1871 and 1941, is of no importance. Provisions of these constitutions which continue the powers and jurisdiction of the chancery court unchanged permit tracing this power of appointment back to the Norman Conquest. It thus is itself an inherent power of a chancery court, and the appointees so selected are constitutional officers. Accordingly, the statute of 1917, which has been held to be unconstitutional in its application to the chancellor himself,³² would be equally invalid if it were to be applied to exclude these acts committed before a master from the definition of contemptuous acts. However, the opinion points out, these are acts which could be construed as coming within the legislative restriction,³³ making the entire opinion concerning constitutionality gratuitous. At the same time, the court of errors and appeals held that the legislature could restrict the use of injunctions in labor disputes without violating the constitutional jurisdiction of equity to grant relief when not available at common law.³⁴ The chancery court had issued an injunction against mass picketing, threats, violence, and other coercive practices, holding that the statute was invalid. The higher court upheld the injunction because, in its opinion, it was not forbidden by the statute, which only forbade the enjoining of acts properly classified as legal under the constitution. Evidently the chancery court here looks on such statutes as "common enemies whose speedy extermination is specially committed to the courts . . ."³⁵ The legislative power over the state bar emerges again³⁶ in a decision of the Kentucky court on the subject of the unauthorized practice of law.³⁷

³² *In re Bowers*, 89 N.J. Eq. 307, 104 A. 196 (1918).

³³ Compare *Reed v. City of Smyrna*, 39 S.E. (2nd) 668 (Ga., Sept., 1946), holding that the appointment of a receiver in bankruptcy is not an inherent judicial power which may not be delegated elsewhere.

³⁴ *Westinghouse Elec. Corp. v. Workers Local*, 49 A. (2nd) 896 (N.J., Dec., 1946). See also *State ex rel. McPike v. Hughes*, 199 S.W. (2nd) 405 (Mo., Feb., 1947), holding that the writ of error may be abolished so long as the jurisdiction of the court is not affected. Contrariwise, if the statute provides no mode for trying a case over which the court has jurisdiction, the court will remedy the omission, *Russell v. Cochrill*, 199 S.W. (2nd) 584 (Ark., Feb., 1947).

³⁵ Mitchell, J., dissenting in *State v. Denny*, 21 N.E. 252 (Ind., 1899).

³⁶ See Jacobus Tenbroek and Howard J. Graham, "State Constitutional Law in 1943-44," in this REVIEW, Vol. 38, pp. 687-688 (1944).

³⁷ *Hobson v. Ky. Trust Co.*, 303 Ky. 493, 197 S.W. (2nd) 454 (as extended on denial of rehearing Dec., 1946). The Wisconsin court expressed its unwillingness to assume the responsibility of supervising an integrated bar, *In re Integration of the Bar*, 25 N.W. (2nd) 500 (Dec., 1946), contrary to a former opinion, *Integration of Bar Case*, 244 Wis. 8, 11 N.W. (2nd) 604 (1943); and while the Montana court

The defendants, several banks and trust companies, engaged in the usual solicitation of compensation for business in drawing up deeds, wills, trusts, documents, etc., in which they were made fiduciary agents. This was in violation of a rule of court which forbade such acts unless performed by a "natural person" who was a party to the document, and whose services had been furnished without compensation. The Integrated Bar Act of 1934 delegated the rule-making power to the court of appeals, but expressly forbade any rule denying any "person" the right to make a "deed, mortgage, or will, or any instrument to which he is a party."

The court might simply have held that the capacity of fiduciary agent was not that of a "party" within the meaning of the statute or the rule. But because of the larger questions argued, and because the lower court had held that the rule was invalid under this and another statute which provided that banks and trust companies should have the powers and privileges of natural persons, the court goes on to discuss the separation of powers and inherent judicial authority over the bar.

The rule-making power is no unconstitutional delegation of legislative authority to the judicial branch of government, for such a charge "denies the universally accepted doctrine that the making of rules of practice in courts, as well as out of courts, in matters pertaining to the rights of individuals under the law is inherently possessed by courts, and judges. . . ." Thus the Integrated Bar Act constitutes no delegation, but rather "interference" with judicial functions, and is to be disregarded. As for the statute giving banks and trust companies the rights of natural persons, that is disposed of by the questionable conclusion that it refers to the rights of natural persons who are not members of the bar.

The position of the legislature in the tripartite separation of powers was the subject of several decisions in the course of the year. The first concerned the matter of judicial control over elections to the state senate.³⁸ The constitution of New Hampshire provides that "the Senate shall be the final judges of the elections, returns, and qualifications of their own members. . . ." The court, in reviewing its own decisions, concludes that "this provision has previously been construed to mean exactly what it says and the court has heretofore declined to rule upon election contests after a member has been seated by the senate." Since the member involved in this case had been seated, this settled the case; but the court went on to discuss the recognized exceptions or qualifications to its refusal to act. The courts are justified in interfering where the senate has abused its

refused to rule on the matter, it implied that legislation might be necessary. *In re Unification of Bar*, 175 P. (2d) 773 (Jan., 1947).

³⁸ *Petition of Dondero*, 51 A. (2d) 39 (N.H., Jan., 1947).

power, where the candidate dies just before the election, where other parts of the constitution affecting qualifications for office are involved, or where election returns are challenged before the senate has acted. Evidently, the power to review such election contests depends solely on the timing and the allegations of the petition, so that no case is beyond judicial control.³⁹

Another decision involved the power of the Texas senate to meet in a special session to confirm executive appointments.⁴⁰ The regular session of the legislature adjourned on June 5, 1945. In the senate resolution of adjournment was included a provision that it would re-convene in January to consider executive appointments needing confirmation. When the bill for printing the senate journal for this session was presented, payment was disallowed on the advice of the attorney-general that the senate was not constitutionally in session. The court, in agreeing with the attorney-general, pointed to the clauses of the constitution which provide for sessions of the legislature and leave to the governor the task of calling special sessions, as well as those limiting the compensation of members to the period when the "legislature" is in session. Much is made of the fact that this was the first attempt of the senate to meet in this fashion, although some forty-eight legislatures have met since the constitution of 1875 was adopted. The constitution is a limit on the legislature rather than a grant of power to it, but only with respect to the performance of legislative functions; and since confirmation of appointments is an executive function, it is to be strictly interpreted.

The chief justice dissented by pointing to a contradiction in the majority decision. In a well reasoned opinion, he argued that if confirmation of appointments is an executive function, then those provisions of the constitution referring to sessions of the "legislature" upon which the majority relied are inapplicable. This decision, he said, represented a reversal of the principle previously adopted by this court in the case of *Ferguson v. Maddox*,⁴¹ which held that the legislature need not be in regular session to conduct impeachment proceedings.

The most noteworthy decision in this group involves the question of whether or not the judiciary may go behind the enrolled bill to determine the legality of the passage of a statute.⁴² It was alleged that a gas tax

³⁹ Cf. *Brown v. Elect. Bd.*, 170 P. (2nd) 200 (Okla., May, 1946).

⁴⁰ *Walker v. Baker*, 196 S.W. (2nd) 324 (Tex., July, 1946).

⁴¹ 114 Tex. 85, 263 S.W. 888 (1924). The Alabama court held that a 1946 constitutional amendment providing for a ten-day session of the legislature limited to organizational activities was not violated by the creation of interim committees. *In re Opinion of Justices*, 29 So. (2nd) 10 (Jan., 1947).

⁴² *Carlton v. Grimes*, 23 N.W. (2nd) 883 (Iowa, July, 1946). The allegation concerned the change made in the title of an act after its passage.

statute had been changed after the last vote in both houses of the legislature, and then signed by the presiding officers and the governor. The court first considered the details of passage as revealed in the legislative journals. The only constitutional procedural requirement is that each house keep a journal and record the final vote; this, it was held, means that the only authenticated record is the enrolled bill itself. The court then surveys cases on the question and concludes that the decisions can be classified into three groups: (1) the common law, federal, English, and most common rule, that the enrolled bill, if valid on its face, is conclusive evidence of its contents and passage; (2) those cases which hold journal evidence may be used to show non-compliance with some constitutional requirement required to be shown in the journal; and (3) decisions maintaining that the enrolled bill is only *prima facie* evidence of its contents and passage. The court concludes that, although this statute could be upheld under any one of the three rules, and although the last rule had been the one followed in this state,⁴³ the time was ripe for announcing that from now on the enrolled bill would be accepted as conclusive.⁴⁴

Administrative Officers and Powers. The separation theory furnishes the nexus for the determination of most constitutional questions in administrative law. This year is no exception in either the volume or variety of such cases.

A rather substantial number of states seem to be establishing administrative bodies whose jurisdictions are alternative to those of the regular constitutional courts, leaving it to the parties, or the circumstances, to determine the forum. The advantages in flexibility and efficiency are obvious, but courts seem reluctant to engage in this type of competition.⁴⁵ Thus the Louisiana court refused for technical reasons to rule on the question of constitutionality, but expressed doubts on a statute giving a political party committee power to determine the party nominee in case of a contest "if, for any reason, any contest filed in court shall not be finally decided in the district court in time to print the name of the nominee of the party upon the ballot"⁴⁶ And in Arkansas, when the court upheld the constitutionality of the workmen's compensation com-

⁴³ *Smith v. Thompson*, 219 Iowa 888, 258 N.W. 190 (1935).

⁴⁴ One case that could probably be included here is *Heck v. Schupp*, *infra*, note 141.

⁴⁵ Seemingly it depends in part on the venerability of the function. The Tennessee court speaks approvingly of the "legislative" power of county courts in enacting zoning regulations, *Davidson Co. v. Rogers*, 198 S.W. (2nd) 812 (Jan., 1947). And see *Appeal of Brown*, 49 A. (2nd) 618 (Pa. Super., Oct., 1946); *Hammond v. Love*, 49 A. (2nd) 75 (Md., Oct., 1946), holding that a judge acts as a court in reviewing election results.

⁴⁶ *State ex rel. Landeche v. Brady*, 28 So. (2nd) 291 (La., Dec., 1946).

mission, it found that the natural result was to oust the courts of common law jurisdiction in damage suits.⁴⁷

The courts refused to uphold concurrent jurisdiction of the Virginia beer commissioner with certain courts of record to revoke or suspend liquor licenses, thereby reversing prior cases which held that non-judicial powers could be conferred on courts.⁴⁸ Presumably, however, the power to change the location in which a criminal sentence is to be served can be exercised concurrently by an administrative body or a court, because it is not inherently a judicial function.⁴⁹

Relatively few of these cases involved title to office. The clerk of the Michigan circuit court commissioner was held not to be a purely judicial officer, so that civil service rules may be applied to him without encroaching on the judiciary.⁵⁰ The same court found, over the dissent of two members, that the register of deeds was entitled to salary for the period of his navy service, even though he had waived it at the time.⁵¹ The court based its decision on the fact that the salary belongs to the office by statute, and is not contractual, and that during his absence he and his bondsmen were legally responsible for the performance of official duties by subordinates. The dissent cites cases from other jurisdictions finding this claim to be against public policy. The Georgia supreme court found that the legislature could add to the qualifications of members of county boards of education provided for in the constitution.⁵² The fact that the statutes were enacted before the constitution of 1945 went into operation did not repeal by implication the statutory requirement that not more than one member could be from the same militia district.

The courts of Colorado and Florida were called upon to defend the constitutionality of their civil service systems against almost every conceivable constitutional charge. Since neither constitution has unusual features in this regard, and since there is now a substantial body of precedent holding that such laws do not constitute an improper delegation of

⁴⁷ *Hagger v. Wortz Biscuit Co.*, 196 S.W. (2nd) 1 (Ark., July, 1946).

⁴⁸ *State v. Huber*, 40 S.E. (2nd) 11 (Va., Oct., 1946). In *Dane Co. v. Barrow Co.*, 26 N.W. (2nd) 249 (Wis., Feb., 1947), the court upheld an administrative determination of inter-county liability, questioned in *Town of Holland v. Village of Cedar Grove*, 230 Wis. 177, 282 N.W. 111 (1939) because the statute had been amended to abolish an alternative judicial remedy.

⁴⁹ *State ex rel. Reed v. Howard*, 69 N.E. (2nd) 172 (Ind., Oct., 1946) and *State ex rel. Dane v. Gerber*, 70 N.E. (2nd) 111 (Ohio App., Oct., 1946) held that a statute conferring the authority to determine the cause of accidental deaths with finality in the coroner was an improper delegation of judicial power.

⁵⁰ *Duncan v. Wayne Co.*, 25 N.W. (2nd) 605 (Mich., Jan., 1947).

⁵¹ *McQuaid v. Bd. of Co. Aud.*, 315 Mich. 234, 23 N.W. (2nd) 644 (June, 1946).

⁵² *McCullum v. Bass*, 40 S.E. (2nd) 650 (Ga., Nov., 1946).

legislative powers, denial of equal protection, etc., there was no particularly noteworthy feature in these decisions.⁵³

The power of removal was discussed in a Pennsylvania case.⁵⁴ The Philadelphia Housing Authority, created by statute, is composed of five members—two appointed by the mayor, two by the city controller, and the fifth by the other four, each for a five-year term. The statute makes no provision for removal, but the controller removed one member. Since the constitution provides that “appointed officers . . . may be removed at the pleasure of the power by which they shall have been appointed,” and since the member involved was the one selected by the other four, the controller was held to lack authority to remove him. This represents a reversal of the previous holding that such an officer was removable.⁵⁵ A somewhat unique variation of the removal power arose in Georgia under the new constitution. A grand jury attempted to replace a county board of education member who had been appointed under the old constitution. It was held that his term of office had not been ended by the adoption of the new constitution, even though by it such boards were given constitutional status for the first time.⁵⁶

There is a provision found in most state constitutions that forbids any change in compensation of an officer during his term of office. Such a prohibition is likely to become irksome whenever salaries of public officials must be altered because of fluctuation in the cost of living. Four states provided for such salary raises without specifying the time at which the increased rate should become effective. The West Virginia court held that the fact that the prohibition of salary increases is found in both the executive and legislative articles does not permit the legislature to raise the salaries of incumbent judges if the scope of their duties has not been enlarged to include essentially new duties.⁵⁷ In Idaho, where the salary increase concerned supreme court justices and district court judges, the court reached the opposite conclusion, holding that the fact that the prohibition was found elsewhere in the constitution, and not in the section concerned with judicial salaries, did not imply a lack of authority.⁵⁸ In Colorado, it was found that this restriction applied to the officer, not the

⁵³ *Shad v. De Witt*, 27 So. (2nd) 517 (Fla., Oct., 1946); *Vivian v. Bloom*, 177 P. (2nd) 541 (Colo., Jan., 1947).

⁵⁴ *Commonwealth ex rel. Reinhardt v. Randall*, 51 A. (2nd) 751 (Pa., Mar. 1947).

⁵⁵ *Commonwealth ex rel. Kelly v. Sheridan*, 331 Pa. 413, 200 A. 102 (1938).

⁵⁶ *Powell v. Price*, 41 S.E. (2nd) 539 (Ga., Feb., 1947).

⁵⁷ *Harbert v. Co. Ct.*, 39 S.E. (2nd) 177 (W. Va., May, 1946); *Henritze v. Co. Ct.*, 39 S.E. (2nd) 194 (W. Va., May, 1946). Compare *Springer v. Bd. of Ed.*, 117 W. Va. 413, 185 S.E. 692 (1936).

⁵⁸ *Higer v. Hansen*, 170 P. (2nd) 411 (Idaho, June, 1946).

office, so that an officer appointed to fill out a term could receive the larger salary denied his predecessor.⁵⁹

The most ingenious effort to evade this restriction took place in Washington. There the legislature created a commission of seven members on interstate cooperation, at salaries of \$6,000. It was provided that the governor might appoint any persons to these positions, but that if he appointed state officers, they should receive only the difference between their regular salaries and \$6,000, and should be subject to different removal privileges. The legislature then appropriated barely enough money to cover the salary differences for the seven elected state officers whose salaries were less than \$6,000. From this evidence, the court concluded that the intent of the legislature had been to raise salaries of incumbents rather than to create the commission, and declared the act invalid.⁶⁰

As an outgrowth of the wartime liquor shortage, an attack was made on the rationing authority of the South Carolina tax commission.⁶¹ By a 1945 law, the commission was given rule-making authority "to effect an equitable distribution of alcoholic liquors in this State." The court upheld this delegation on the ground that the quoted phrase constituted an adequate standard, and because of the necessity of constantly revising the regulations was beyond the capacity of the legislature. At the same time, the Pennsylvania statute which provided that violation of certain enumerated provisions would give the liquor control board authority to suspend or revoke the license was challenged as being in violation of the separation clause, in that no standards were provided for determining which penalty should apply.⁶² The court refused to accept this reasoning, noting that "it was not only impractical, but almost impossible, for the legislature to anticipate all the various situations that might arise in citation cases and provide therefor by specific standards or to classify them." The Minnesota court went one step further, upholding the statute creating the Twin Cities Airport Commission against a charge of delegation of unlimited legislative power primarily on the ground that those who attacked

⁵⁹ *Lancaster v. Bd. of Commrs.*, 171 P. (2nd) 987 (Colo., Aug., 1946). See also *French v. Jordan*, 172 P. (2nd) 46 (Cal., Aug., 1946).

⁶⁰ *State ex rel. Troy v. Yelle*, 176 P. (2nd) 459 (Wash., Jan., 1947). The governor appointed the officers who seemed to be called for by the act. A minority of three justices dissented on the ground that this commission had important duties and that the presumption of validity attached to all legislation should sustain it. See also *State ex rel. Livingston v. Ayer*, 23 Wash. (2nd) 578, 161 P. (2nd) 429 (1945).

⁶¹ *Davis v. Query*, 39 S.E. (2nd) 117 (S.C., July, 1946). One justice dissented, maintaining that no limit had been provided.

⁶² *Appeal of Weinstein*, 159 Pa. Super. 437, 48A. (2nd) 1 (July, 1946). In *Case v. Liquor Comm.*, 314 Mich. 632, 23 N.W. (2nd) 109 (June, 1946), the licensing function was termed ministerial rather than legislative. See also *Dicken v. State Bd. of Ed.*, 199 S.W. (2nd) 977 (Ky., Feb., 1947).

the statute had failed to show how it might have been more precise in its terms.⁶³

In Kentucky, the state public service commission denied an application for a certificate of necessity and convenience from a natural gas company which failed to furnish evidence of financial competence and other data required.⁶⁴ The certificate is required of any company which desires to bid for local-government franchises. Although the statute provided for a hearing and gave the commission power to refuse the certificate, the court of appeals held that certificates must be issued when the applicant desires to enter such a bid. The power to rule on the qualifications of bidders was said to belong to the local governments involved, even though they were in a poor position to exercise it intelligently. This seems to be true because the constitution authorizes local governments to award the franchise to the "lowest and best bidder," which implies the power to judge these qualifications.

The extent of judicial review over the rule-making power of the California employment stabilization commission was discussed in a decision involving the liability of a horse owner for unemployment insurance taxes on amounts paid his jockeys.⁶⁵ By the rules of the commission, such payments were due; but the court reasoned that the question of whether jockeys were in "employment" with the meaning of the statute was purely a judicial one, to be determined by the reviewing court without reference to the administrative proceeding prior to the issuance of either the rule or the order.

Administrative procedure under the guarantees of due process of law came in for only minor notice. The courts show a definite tendency to relax the formal rules of procedure whenever in their opinion substantial justice has been done.⁶⁶ Thus the failure of a health board to post its rules⁶⁷ and the somewhat summary suspension of a physician from a municipal

⁶³ *State ex rel. Int. Air Ports Inc. v. Comm.*, 25 N.W. (2nd) 718 (Minn., Jan., 1947). The court also based its decision on the fact that the commission was a municipal corporation in respect to which the strict limits on delegations of legislative power have traditionally been relaxed.

⁶⁴ *Public Service Comm. v. Blue Grass Nat. Gas Co.*, 197 S.W. (2nd) 765 (Ky., Nov., 1946).

⁶⁵ *Isenberg v. Cal. Empl. Stab. Comm.*, 172 P. (2nd) 527 (Cal. App. Sept., 1946). See also, *Champlin Ref. Co. v. Cruse*, 173 P. (2nd) 213 (Colo., Sept. 1946).

⁶⁶ In *Calif. Co. v. State Oil & Gas Bd.*, 28 So. (2nd) 120 (Miss., Nov., 1946), the court refused to prescribe a code of administrative procedure for a board whose determination it had reversed. This, it was said, was a request for an advisory opinion. But in *Mass. Bonding & Ins. Co. v. Ind. Comm.*, 170 P. (2nd) 33 (Cal. App., June, 1946) the court remanded a case with careful instructions on the subject of cross-examination.

⁶⁷ *Meredith v. State Bd. of Health*, 48 A. (2nd) 489 (N.H., June, 1946).

hospital⁶⁸ were excused when the record demonstrated to the satisfaction of the reviewing court that the respondents had constructive notice and an opportunity to defend themselves. In part, these decisions were based also on the recognized need for summary administrative action in matters affecting public health.⁶⁹ And the Michigan court refused to annul an administrative liquor license revocation based in part on hearsay evidence because there was still considerable evidence to support the administrative decision.⁷⁰ The only such case where administrative procedure was found to violate due process involved an administrative rule which established a conclusive presumption of guilt against a horse-trainer whose horses were found to have been drugged.⁷¹ The rule provided that this would constitute a conclusive presumption "either that there was knowledge of the fact on the part of the trainer, or that he was guilty of carelessness," either of which was sufficient ground for license revocation. The court said that the enforcement of such a rule would deny respondent the right to introduce evidence of surrounding circumstances which might show a lack of responsibility for such doping. Much was made both of the lack of any other rule compelling trainers to guard their horses and of evidence introduced in the court that as a rule trainers do not take such precautions. This case is probably best explained as an example of judicial resistance to conclusive presumptions, rather than with reference to the merits, since horse-racing is seldom regarded as involving property rights worthy of strict judicial protection.

The major issue in administrative adjudication still revolves around the respective rôles of the courts *vis à vis* administrative agencies. These problems concern the power to fix the penalty for a violation of the statute, the timing of judicial review, and the extent of such review. With respect to the power to fix penalties, there are two important liquor license cases. The California court was called on to review the enforcement of the constitutional provision that liquor may be consumed only in bona fide restaurants, hotels, and eating places.⁷² The state board of equalization, after hearing, had refused to revoke the license of a café, holding that the evidence established the licensee as eligible to retain his license. The lower court, after a trial *de novo*, ordered the license revoked. The supreme court reviewed its own prior decisions,⁷³ which it maintained went to

⁶⁸ Bryant v. Lakeland, 28 So. (2nd) 106 (Fla., Nov., 1946).

⁶⁹ The same rule applies in matters of taxation. Smith v. Robertson, 418 E. (2nd) 631 (S.C., Feb., 1947).

⁷⁰ Case v. Liquor Cont. Comm., 314 Mich. 632, 23 N.W. (2nd) 109 (June, 1946).

⁷¹ Mahoney v. Byers, 48 A. (2nd) 600 (Md., July, 1946).

⁷² Covert v. State Bd. of Equal., 173 P. (2nd) 545 (Cal., Oct., 1946).

⁷³ Evidently this court is still changing its mind about the extent of review permitted on mandamus. Compare Laisne v. State Bd. of Optom., 19 Cal. (2nd)

permit reversals of the board only for an error of law or excess of jurisdiction, and permitted the lower court to remand a case to the board for correction, rather than to allow the court to substitute its order of revocation for the board's decision. In a companion case,⁷⁴ the lower court revoked a license that the board had only ordered suspended. The supreme court held that the question of whether the license should be suspended or revoked was for the board rather than for the court.

There is some slight evidence that the federal rule against review of interlocutory administrative orders is having an influence on state courts.⁷⁵ But no general trend can as yet be observed.

The extent of judicial review of administrative decisions generally involves distinctions between questions of fact and law, and between administrative findings supported by "substantial" evidence *versus* those not so supported. While these distinctions are relatively widely accepted as verbal formulas, their content varies with specific decisions.⁷⁶ The New York industrial commissioner's levy of a fine against an employer who had failed to file payroll reports, for example, was reversed by the supreme court because it was an error of law, and was upheld by the court of appeals because the error, if it existed at all, was one of fact.⁷⁷ The question in both decisions was simply whether the employer was prevented by the manpower shortage, and other factors beyond his control, from filing the reports on time.

The Texas supreme court, after several years of vacillation, this year adopted the general rule that administrative acts, if supported by substantial evidence, will be upheld.⁷⁸ The court reversed its own prior decisions, which had at times held that additional evidence could be introduced at the judicial stage, and that the court had the obligation of determining all questions for itself. The chief justice dissented, in part on the ground that in this case the decision afforded a degree of finality to

831, 123 P. (2nd) 457 (1942) with *Supper v. Urban*, 22 Cal. (2nd) 138, 137 P. (2nd) 425 (1944) and *Murphy v. Bd. of Med. Exam.*, 170 P. (2nd) 510 (Cal. App., June, 1946). See Foster H. Sherwood, "Mandamus to Review State Administrative Action," *Mich. Law Rev.*, Vol. 45, p. 123 (1946).

⁷⁴ *Reynolds v. State Bd. of Equal.*, 173 P. (2nd) 551 (Cal., Oct., 1946).

⁷⁵ The only appropriate case is *Womesdorf Cons. Water Co. v. Comm.*, 50 A. (2nd) 548 (Pa. Super., Jan., 1947), which traces the reversal of *Williamsport v. Cit. Heat. & Gas Co.*, 232 Pa. 232, 81 A. 316 (1911). For the federal rule, see *Okla. Press Publ. Co. v. Walling*, 327 U.S. 186, 66 S. Ct. 494 (1946).

⁷⁶ Ray A. Brown, "Fact and Law in Judicial Review," *Harvard Law Rev.*, Vol. 56, p. 899 (1946); E. Blythe Stasson, "'Substantial Evidence' in Administrative Law," *Univ. of Pa. Law Rev.*, Vol. 89, p. 1026 (1941). In *Heath v. Baltimore*, 49 A. (2nd) 799 (Md., Nov., 1946), the power to review administrative acts was termed "inherently judicial."

⁷⁷ *In re Rumsey Mfg. Co.*, 71 N.E. (2nd) 426 (N.Y., Jan., 1947).

⁷⁸ *Trapp v. Shell Oil Co.*, 198 S.W. (2nd) 424 (Tex., on rehearing, Nov., 1946).

administrative acts affecting property rights which belongs only to the judicial power.

The Missouri Administrative Review Act, modeled after the new federal law, provided that administrative acts must be upheld unless they are "not supported by competent and substantial evidence upon the whole record." This was said to constitute a broadening of judicial review in that the court may inquire into the "reasonableness" of all the administrator's conclusions except those based on the credibility of witnesses.⁷⁹ Therefore, a conclusion of the compensation commission that a claimant was eligible only for temporary compensation because his injury could be cured by an operation which he had unreasonably refused, was reversed; and an award for permanent disability compensation was directed when the court concluded that the claimant's refusal was not unreasonable. At the other extreme, the Mississippi court treated a statute giving the circuit court the responsibility of trying *de novo* orders of the state oil and gas board as conferring only jurisdiction to inquire into the judicial aspects of the decision or rule.⁸⁰ Presumably there is agreement here with the South Dakota decision which points out that a statute giving the court power to substitute, *in toto*, its decision for the administrative act or rule means that the court performs non-judicial functions, or alternatively, that the administrative body acts judicially, either of which would be invalid.⁸¹

Local Government. The best examples of the dilemma with which we are faced in dealing with the complex problems of overlapping areas of local government are usually found in the field of finance. This year, only one outstanding constitutional law decision appears. The constitution imposed a property tax limit of one and one-half per cent on municipalities, which could be increased under certain circumstances if a municipal charter so provided. A part of a municipality was contained within the limits of a school district. The aggregate taxes paid by property owners in both areas was above the constitutional maximum for the municipality. If the court upheld the tax, it would place itself in the position of encouraging the creation of special-purpose districts. If the tax was held invalid, it would be going counter to home rule sentiment. The court chose the former alternative, even in the face of evidence that the tax levied by the school district was greater in the area that lay within the city limits than in that outside municipal boundaries.⁸²

⁷⁹ Wood v. Wagner Elec. Corp., 197 S.W. (2nd) 647 (Mo., Nov., 1946).

⁸⁰ Cal. Co. v. State Oil & Gas Bd., 27 So. (2nd) 42 (Miss., Oct., 1946).

⁸¹ Holmes v. Miller, 23 N.W. (2nd) 794 (S.D., July, 1946). Compare Covert v. State Bd. of Equal., *supra*, note 72, and Reynolds v. State Bd. of Equal., *supra*, note 74.

⁸² Thomas v. City of Lansing, 315 Mich. 566, 23 N.W. (2nd) 213 (Sept., 1946).

The courts, however, continue to maintain a rather close watch over local finance to insure that the services provided are essential, and that the method of financing neither unduly burdens the private citizen nor improperly pledges his resources. The North Carolina court annulled a city ordinance levying a tax, by holding that park and recreational purposes were not "necessary" expenses of a city, and that a tax levied therefore must be approved by a vote of a majority of the qualified voters, as is provided in such cases by the state constitution.⁸³ Yet where financing is accomplished through the issuance of bonds, such limits do not apply as long as such bonds constitute no debt of the municipality, but are the obligation of a revenue-producing undertaking. Nor do they violate the constitutional restrictions on the municipality's debt.⁸⁴ Further, where a state statute provided that such bonds previously issued were to become a lien on the municipality, it was held that this was an action analogous to granting extra compensation to a contractor after the contract has been made, and thus contrary to the state constitution.⁸⁵ Similarly, the Florida supreme court declared, such bonds may be issued without an election, where it is provided that the taxing power should never be resorted to for their payment.⁸⁶ The California district court of appeals declared that any defects in the procedural steps leading to the incurring of bonded indebtedness by municipal corporations and other subdivisions may be cured by subsequent validating statutes passed by the legislature.⁸⁷

The Kentucky court of appeals held that a county had to make good its obligation on warrants, even if they were issued for other than governmental purposes in violation of the constitution, unless it could prove that the obligation when first created exceeded the revenues.⁸⁸ Similarly, the Missouri supreme court ruled that a teacher's statutory reemployment contract could not be broken, on the ground that it violated a constitutional provision that the expenses of a school district must not exceed its revenues without a vote of the people, since this obligation under the contract preceded the annual financial outlay of the school board.⁸⁹

Compare *Butler v. Compton Jun. Coll. Dist.*, 176 P. (2nd) 417 (Cal. App. Jan., 1947), where the court upheld a contract between school districts against the contention that, as it affected the apportionment of state school funds, it constituted an invalid gift of state money.

⁸³ *Purser v. Ledbetter*, 40 S.E. (2nd) 702 (N.C., Dec., 1946), reversing *Atkins v. City of Durham*, 210 N.C. 295, 186 S.E. 330 (1936).

⁸⁴ *Veail v. Louisville, etc., Dist.*, 197 S.W. (2nd) 413 (Ky., Nov., 1946); *Reed v. City of Smyrna*, 39 S.E. (2nd) 663. (Ga., Sept., 1946).

⁸⁵ *Harbold v. City of Reading*, 49 A. (2nd) 817 (Pa., Nov., 1946).

⁸⁶ *State v. City of Miami*, 27 So. (2nd) 118 (Fla., July, 1946).

⁸⁷ *City of Pacific Grove v. Irwin*, 172 P. (2nd) 357 (Cal. App., Sept., 1946).

⁸⁸ *Fiscal Ct. of Magoffin Co. v. Gardner*, 196 S.W. (2nd) 597 (Ky., Sept., 1946).

⁸⁹ *Dye v. School Dist. of Pulaski Co.*, 195 S.W. (2nd) 874 (Mo., July, 1946).

According to a constitutional provision of Kansas, the state may participate financially in, and control the administration of, the county welfare programs. The state supreme court held that as a result the state board of local welfare can require the county board to revise its budget and levy adequate taxes to meet the specifications of the state board.⁹⁰

The supreme court of Pennsylvania held that according to a statutory provision county treasurers in counties of the first class ceased to be agents of the state for the collection of taxes and fees, and that they did not have the right to retain the cost of their own surety bond, lest they violate a constitutional requirement that county officers must pay all county fees into the county treasuries.⁹¹

The trend seems to be to uphold statutes by the state legislatures providing for the organization of school districts. The Illinois supreme court remarked that the only limits on the legislature in this regard are that schools be free and that all children of the state be admitted equally.⁹² The supreme court of Florida held that statutes providing for the consolidation of school districts should be so construed as to remove them from constitutional prohibitions in order that the school districts shall not become static.⁹³

In the case of elective officers, the word "term" in constitutional provisions for a maximum number of terms has been construed strictly by the Kansas supreme court. The court held that any part of a two-year term constituted a full term.⁹⁴

A statute, in so far as it attempted to broaden a class of employees of the county required by the constitution to be elected, and made them subject to the civil service board, was declared unconstitutional by the Georgia supreme court.⁹⁵

Almost without exception, the courts have upheld special acts passed by state legislatures against the state constitutional requirement that general acts are required whenever possible. The supreme court of Tennessee declared, in relying on an earlier case,⁹⁶ that the legislature may enact a special act affecting one town or county in its political or governmental functions, only provided it is not contrary to the general law affect-

⁹⁰ *State ex rel. Mitchell v. Townsend*, 171 P. (2nd) 651 (Kan., July, 1946).

⁹¹ *In re Account of Harr*, 50 A. (2nd) 295 (Pa., Jan., 1947).

⁹² *People ex rel. Tuohy v. School Dist.*, 71 N.E. (2nd) 86 (Ill., Jan., 1947). See also *North Common School Dist. v. Live Oak Co.*, 199 S.W. (2nd) 764 (Tex., Nov., 1946), upholding a statute curing defects in a school district consolidation.

⁹³ *Fowler v. Turner*, 26 So. (2nd) 792 (Fla., June, 1946).

⁹⁴ *Coates v. Camp*, 173 P. (2nd) 266 (Kan., Sept., 1946).

⁹⁵ *Civil Service Bd. of Fulton Co. v. MacNeill*, 40 S.E. (2nd) 655 (Ga., Oct., 1946). Compare *Sacramento Co. v. City of Sacramento*, 171 P. (2nd) 477 (Cal., App., July, 1946).

⁹⁶ *Town of McMinnville v. Curtis*, 192 S.W. (2nd) 998 (Tenn., March, 1946).

ing all counties or municipalities. This was the only case where such an act was held invalid for this reason.⁹⁷ The supreme court of Nevada declared all special acts in relation to the formation of municipal corporations and relating to their powers to be authorized by the state constitution.⁹⁸ The same court, in a later case, also said that the prohibition against the enactment of local or special laws applies only to laws regulating county business, and not merely relating to it.⁹⁹

Where the population classification was made in good faith and was reasonably related to the purpose to be effected, and not merely arbitrary, acts passed as general laws were held valid, although at the time of their enactment they could apply to only one county or city. This rule was pronounced by the supreme courts of Alabama, Florida, and Minnesota and the court of appeals of Kentucky.¹⁰⁰ In fact, where an act applied only to one county and city, the Kentucky court of appeals declared that the express naming of the county and city, instead of describing them, was merely an inadvertence and was not sufficient to render an act unconstitutional.¹⁰¹

The principal limit on municipal police powers seems to be state laws. So long as the municipal ordinance does not conflict with statutes or policies of the state, it will be upheld.¹⁰²

Political Processes. The legality of submitting referendum measures to the public was challenged in two cases. The Arizona constitution does not permit referenda on appropriation acts for the support and maintenance of departments of state government. Therefore an effort, in all other respects legal, to refer to the voters the question of whether a large sum of money should be appropriated to the corporation commission and the Federal Power Commission to ascertain the fair value of utilities in the state for rate-making purposes failed.¹⁰³ Since the appropriation act conferred no new duties on the commission, and since the commission was established as a department in the constitution, the voters had no authority to pass on the statute directly.

The other case concerned a bonus act passed by the Illinois legislature which was required by the constitution to have popular approval of the

⁹⁷ *Southern v. Beeler*, 195 S.W. (2nd) 857 (Tenn., June, 1946).

⁹⁸ *Western Realty Co. v. City of Reno*, 172 P. (2nd) 158 (Nev., July, 1946).

⁹⁹ *Cauble v. Beemer*, 177 P. (2nd) 677 (Nev., Feb., 1947).

¹⁰⁰ *State ex rel. Rountree v. Sumner*, 28 So. (2nd) 565 (Ala., Oct., 1946); *State v. Dade Co.*, 27 So. (2nd) 283 (Fla., Aug., 1946); *Somsen v. Sanit. Dist.*, 197 S.W. (2nd) 410 (Ky., Nov., 1946); *Leighton v. City of Minneapolis*, 25 N.W. (2nd) 263 (Minn., Dec., 1946).

¹⁰¹ *Veail v. Louisville, etc., Dist.*, 197 S.W. (2nd) 413 (Ky., Nov., 1946).

¹⁰² *Clark v. Alloway*, 170 P. (2nd) 245 (Idaho, June, 1946).

¹⁰³ *Garney v. Trew*, 170 P. (2nd) 845 (Ariz., June, 1946).

voters.¹⁰⁴ The act as passed called for a bond issue and certain tax law changes necessary to meet the resulting financial burden. The legality of the referendum was challenged on several grounds, the most important of which were that the measure was in fact two measures, an appropriation and also a tax law; that only the appropriation need be submitted for popular approval; and that the tax law as passed would not be subject to change or repeal, contrary to the principle that no legislature can commit its successors, although the voters were not so informed by the ballot. The court upheld the measure by pointing out that the constitution requires that debt measures be accompanied by tax measures, and that the only irrepealable feature of the law concerned the obligation to meet the interest on the bonds. The ballot summary of the measure was a complete and accurate summary, in the opinion of the court, so that the voters were not deceived.

Several cases concerned the number of signatures necessary to secure the placement of an initiative measure on the ballot, or the number of votes necessary to carry an initiative measure. The usual provision calls for a minimum fraction of the number of votes cast at the last general election, or in some cases, for a fraction of the total number of persons eligible to vote. The Florida court held that where the measure must have been voted on by at least fifty per cent of those eligible to vote, the reference was to those eligible to vote on the day of the election, and not to those eligible to vote when the registration lists were last closed.¹⁰⁵ The Washington court found that where the constitution requires the total vote cast to be a fraction of the vote cast "in the last preceding general election," the legislature may make the condition more onerous by specifying that the election must be a "state" general election.¹⁰⁶ Similarly, it was held in Oklahoma that an initiative petition which must have signatures equal to fifteen per cent of the votes cast at the last general election, the reference was to the presidential election of 1944 and not the state general election of 1942.¹⁰⁷ In another case, the court refused to permit a vote on an initiative measure where the constitution provides a thirty-day period for correction or amendment of an initiative petition found deficient by the secretary of state. The court said that this did not mean that the proponents would have the thirty-day period to increase the number of signatures to a petition which they knew was inadequate when submitted.¹⁰⁸

¹⁰⁴ *Routt v. Barrett*, 71 N.E. (2nd) 660 (Ill., Jan., 1947).

¹⁰⁵ *Homer v. State ex rel. Stewart*, 28 So. (2nd) 586 (Fla., Jan., 1947).

¹⁰⁶ *Union High School Dist. v. Taxpayers*, 172 P. (2nd) 591 (Wash., Sept., 1946).

¹⁰⁷ *In re Initiative Petition #224*, 172 P. (2nd) 324 (Okla., Aug., 1946).

¹⁰⁸ *Dixon v. Hall*, 198 S.W. (2nd) 1002 (Ark., Sept., 1946). The petition had 3,664 signatures when 21,685 were required.

Two initiative measures regulating labor unions were prepared for submission to the voters of Massachusetts. One prohibited labor union activity or contributions in political campaigns, and the other required financial reports by labor unions. The A. F. of L. attacked both measures and sought to prevent them from being submitted to the voters.¹⁰⁹ The court held that, although normally it had no power to prevent the enactment of unconstitutional legislation, in the case of initiative measures the rule was different. The constitution forbids submission to the voters of initiative measures which violate certain fundamental rights, and since the thing forbidden is the submittal, the courts may act. It was held that the measure regulating union political activity was a clear violation of the basic rights of freedom of speech, press, and assembly; the second measure, requiring financial reports, was constitutional or at least sufficiently so to permit a popular vote on it. The same result was reached by the Michigan court without benefit of a special constitutional provision preventing submission of unconstitutional measures to the voters.¹¹⁰ There, the court distinguished previous decisions holding that it could not prevent an unconstitutional enactment, and decided that an initiative measure which was not submitted in full to those who signed the petitions, which did not contain a title, and which concerned a subject beyond the power of the legislature, could be enjoined. These inadequacies, it was said, were analogous to procedural defects such as insufficient signatures to a petition, where the power of the courts to act is well recognized.

II. CIVIL RIGHTS

Freedom of Speech, Press, and Assembly. Although local licensing and regulatory statutes are still frequently challenged as violating the constitutional guarantees of free expression, there are relatively few such laws that are so found. This year only one statute was held unconstitutional on this ground. The laws approved as being legitimate regulations include an ordinance declaring the operation of sound trucks on the public streets unlawful,¹¹¹ a statute limiting political advertising rates for press and radio to those regularly charged for commercial advertising,¹¹² and an ordinance imposing a license tax on local newspapers and magazines.¹¹³

¹⁰⁹ *Bowe v. Secty. of Comm.*, 69 S.E. (2nd) 115 (Mass., Sept., 1946).

¹¹⁰ *Leininger v. Alger*, 26 N.W. (2nd) 348 (Mich., Mar., 1947). See also *Hawkins v. Birmingham*, 29 So. (2nd) 281 (Ala., Jan., 1947).

¹¹¹ *Kovacs v. Cooper*, 50 A. (2nd) 451 (N.J., Dec., 1946).

¹¹² *Chronicle & Gaz. Pub. Co. v. Attny. Gen.*, 48 A. (2nd) 478 (N.H., June, 1946). Similar laws have been passed in Minnesota, Mississippi, North Dakota, Texas, and Utah, but have not yet been challenged.

¹¹³ *Tampa Times Co. v. City of Tampa*, 29 So. (2nd) 368 (Fla., Feb., 1947).

The Massachusetts initiative measure referred to above¹¹⁴ is the sole exception.

There were several other cases which concern the relation of the rights of labor to freedom of speech. The use of an injunction creates a previous restraint on publication, making the judge a censor, and violating this constitutional guarantee.¹¹⁵ This is true even where the acts charged, if true, constitute libel; for "the protection so afforded is from state and federal court decrees as well as from state and federal legislative enactments." A court may, however, enjoin a boycott of non-union suppliers under a statute forbidding conspiracy in restraint of trade or competition, although peaceful picketing and persuasion may not be prohibited.¹¹⁶ The New York court remarked that mass picketing was not so protected, because it was a form of coercion rather than of expression.¹¹⁷

Freedom of Religion. Illinois was the scene this year of two very important religious freedom cases. The supreme court was called on to review and annul regulations of two school districts permitting religious education of public school pupils. In one case, the Chicago board of education authorized the release of pupils to attend religious exercises provided by the church of their choice.¹¹⁸ In the other, the Champaign board of education authorized pupils to participate in religious exercises provided under the supervision and at the expense of a voluntary religious group composed of Catholics, Protestants, and Jews.¹¹⁹ In both cases, the written permission of parents was required before the pupil could be excused. In the first case, the court upheld the practice because no school facilities or public funds were used, or if they were, they were used in such small and uncertain amounts as to be negligible.¹²⁰ In the Champaign case, however, the exercises were held during school hours and on school grounds, so that the charge that this practice meant the support of religious institutions by the taxpayer was much more difficult to meet. The religious group paid for supplies, books, and teachers, but there was none the less a certain cost

¹¹⁴ *Supra*, note 109. Compare *Lockheed Aircraft Corp. v. Sup. Ct.*, 171 P. (2nd) 21 (Cal., June, 1946) on labor with *Smith v. Higinbotham*, 48 A. (2nd) 754 (Md., Sept., 1946) on bar associations.

¹¹⁵ *Montgomery Ward & Co. v. United Ret. Work.*, 70 N.E. (2nd) 75 (Ill. App., Nov., 1946).

¹¹⁶ *Rogers v. Poteet*, 199 S.W. (2nd) 378 (Mo., Feb., 1947), following *Lohse Pat. Door Co. v. Fulle*, 215 Mo. 421, 114 S.W. 997 (1908).

¹¹⁷ *Schivera v. Long Island L. Co.*, 296 N.Y. 26, 69 N.E. (2nd) 233 (Oct., 1946). See also *Westinghouse Elec. Corp. v. United Workers*, 46 A. (2nd) 16 (Pa., July, 1946).

¹¹⁸ *People ex rel. Latimer v. Bd. of Ed.*, 394 Ill. 228, 68 N.E. (2nd) 305 (As modified on rehearing, Sept., 1946).

¹¹⁹ *People ex rel. McCollum v. Bd. of Ed.*, 71 N.E. (2nd) 161 (Ill., Jan., 1947).

¹²⁰ Following *People ex rel. Lewis v. Cranes*, 245 N.Y. 195, 156 N.E. 663 (1927); *Harfst v. Hoegen*, 349 Mo. 808, 163 S.W. (2nd) 609 (1942).

to taxpayers. The court upheld the regulation by pointing to the broad discretion given to school boards over school buildings by state law, "to grant the temporary use of them, when not occupied by schools, for religious meetings and Sunday schools. . . ." Such discretion, the court said, had not been abused, since the curriculum prescribed by the board left fifty minutes per day otherwise unallocated. In both cases, much was made of the fact that the plan was purely voluntary with the pupils, and that other religious groups could be included in the plan at any time.¹²¹ In the Champaign case, the court also pointed out that since the content of the courses was prescribed by the entire religious group, "it is apparent that the teaching was to be of the content of the Bible without interpretation or attempt at influencing belief in the doctrines or creeds of any church."¹²² The voluntary feature seems to be an important one; for elsewhere, when a court sentenced a delinquent child to attend Sunday school, the higher court held this to be a violation of the guarantee of religious observance, and reversed the sentence.¹²³

Qualifying the federal rule,¹²⁴ the California supreme court declared that a city ordinance requiring the registration of and issuance of permits to persons soliciting for charitable purposes on behalf of a religious organization could not be construed as limiting freedom of religion if collections are for other than missionary, evangelical, and other religious purposes. The court, citing from an earlier case,¹²⁵ states that when a person translates his belief into action he has to conform to reasonable regulations applicable to everyone and designed to accomplish permissible objects.¹²⁶

Equal Protection of the Laws. The federal courts now indulge every presumption possible to sustain classification statutes.¹²⁷ This attitude is having its effect on state courts as legislatures demonstrate an increasing ingenuity in matters of business regulation and taxation. The general rule is that a statute classifying and according different treatment to different groups must be based on real, rather than artificial, differences, and must be for a legitimate purpose. The laws challenged on this ground which were upheld this year include a statute denying bartenders' licenses to women unless they are wives or daughters of a male owner of the estab-

¹²¹ Distinguishing *People ex rel. Ring v. Bd. of Ed.*, 245 Ill. 334, 92 N.E. 251 (1910).

¹²² 71 N.E. (2nd) 161, 162. Compare *Everson v. Bd. of Ed.*, 67 S. Ct. 501 (1947). See also *Castigan v. Hall*, 249 Wis. 94, 23 N.W. (2nd) 495 (June, 1946).

¹²³ *Jones v. Comm.*, 185 Va. 335, 38 S.E. (2nd) 444 (June, 1946).

¹²⁴ Compare *Cantwell v. Conn.*, 310 U.S. 296 80 S. Ct. 900 (1940).

¹²⁵ *Gospel Army v. City of Los Angeles*, 27 Cal. (2nd) 232, 163 P. (2nd) 704 (1945).

¹²⁶ *Rescue Army v. Munic. Ct.*, 171 P. (2nd) 8 (Cal., June, 1946).

¹²⁷ See *Madden v. Ky.*, 309 U.S. 83, 60 S. Ct. 406 (1940).

lishment;¹²⁸ a law requiring courts to grant continuance in trials pending within ten days of the beginning of a legislative session, where the attorney requesting the delay is a member of the state legislature;¹²⁹ a regulation compelling railroad companies to furnish uniform caps without charge for employees engaged in the transportation of passengers or baggage;¹³⁰ a tax upon gross operating revenue of motor carriers for the use of the highways, which does not distinguish between the various sizes and weights of such vehicles;¹³¹ authorization of a corporate physicians service, when the laws forbid the unlicensed sale of insurance and the corporate practice of medicine and surgery;¹³² a pension act granting benefits to elected judges while denying them to appointive judges;¹³³ and a city ordinance requiring the fingerprinting and photographing of retail liquor establishment employees, but exempting employees of cafés and restaurants.¹³⁴ The most important of these cases, at least for the future, is a group of three decisions upholding restrictive covenants discriminating in the use or ownership of real property on racial grounds.¹³⁵ In one case, the court remarked that the constitutional clause, which reads, "all persons are created equal and are entitled to equal rights and opportunities under the law, not only sustains these decisions, but even strengthens them."¹³⁶

Only four statutes were held invalid as establishing an unreasonable classification. An Illinois statute of 1945 which provided that "no person appointed in the classified civil service who is entitled to military preference . . . shall be removed or discharged because he misstated his age" was declared unconstitutional because, in part, it is "repugnant to basic morality."¹³⁷ An act giving to tenants, former owners, widows, or descendants of former owners the right to purchase state lands at a price fixed by a state board even when a higher bid has been made, was similarly declared contrary to public policy.¹³⁸ A local zoning ordinance which clas-

¹²⁸ *Fitzpatrick v. Liquor Comm.*, 25 N.W. (2nd) 118 (Mich., Dec., 1946).

¹²⁹ *Mora v. Ferguson*, 199 S.W. (2nd) 759 (Tex., Feb., 1947). Similar laws are found in Arkansas, California, Illinois, Louisiana, Missouri, and Virginia. See *State ex rel. Allison v. Barton*, 197 S.W. (2nd) 667 (Mo., Nov., 1946).

¹³⁰ *McQuade v. N.Y. C. R. Co.*, 68 N.E. (2nd) 185 (Mass., June, 1946), rejecting *Woodward v. Pere Marquette R. Co.*, 312 Mich. 67, 19 N.W. (2nd) 489 (1945).

¹³¹ *Bd. of R. Comm. v. Aero. etc. Co.*, 172 P. (2nd) 452 (Mont., Sept., 1946).

¹³² *Cal. Phys. Serv. v. Garrison*, 172 P. (2nd) 4 (Cal., Aug., 1946).

¹³³ *Clark v. Towes*, 49 A. (2nd) 463 (Md., Oct., 1946).

¹³⁴ *Norman v. City of Las Vegas*, 177 P. (2nd) 442 (Nev., Feb., 1947).

¹³⁵ *Sepes v. McGhee*, 25 N.W. (2nd) 638 (Mich., Feb., 1947); *Kraemer v. Shelley*, 198 S.W. (2nd) 679 (Mo., Dec., 1946); *Matthews v. First Christ. Church*, 197 S.W. (2nd) 617 (Mo., Oct., 1946); *Perkins v. Trustees*, 70 N.E. (2nd) 487 (Ohio App., Oct., 1946).

¹³⁶ *Kraemer v. Shelley*, *supra*, at p. 682.

¹³⁷ *People ex rel. Hendrick v. Allman*, 71 N.E. (2nd) 44 (Ill., Jan., 1947).

¹³⁸ *Herr v. Rudolph*, 25 N.W. (2nd) 916 (N.D., Jan., 1947).

sified residential property as available for church schools, but not for non-sectarian schools, bore "no substantial relation to the public health, public morals, the public safety, or the general welfare in their proper sense," and was therefore invalid.¹³⁹ Finally, a Florida statute, constitutional when passed, which forbade possession, purchase, sale, or transportation of fresh or salted mullet or mullet roe, was rendered unconstitutional when the legislature amended the statute in 1941 to exempt residents of some counties in the state.¹⁴⁰

Police Power. As with the equal protection cases, so with those decisions concerned with the limits of the states' police powers, it is somewhat more unusual to find decisions holding regulatory statutes and ordinances invalid as contrary to state policy than to find them upheld. In fact in one case, a court actually held that the repeal of a punitive statute was invalid.¹⁴¹ The statute attempted to abolish the right to file damage suits based on alienation of affections or breach of promise to marry. The court held this contrary to public policy and a violation of the "moral law," and therefore invalid. A St. Louis ordinance requiring licenses for coal dealers was held invalid, though largely because the city failed to present its case well.¹⁴² But in Virginia, the courts followed the decisions of other states holding that the public welfare is not served in any way by licensing photographers.¹⁴³ Similarly, a zoning ordinance which prevented the establishment of manufacturing plants in an industrial area was declared beyond the police power when the court saw evidence in the council's proceedings to justify its conclusion that the purpose the council had in mind was not promoted by the means used.¹⁴⁴ The criterion of purpose was used also to invalidate an oleomargarine license tax. Since the tax receipts were allocated by the statute solely for enforcement of the act, and since they produced revenue in substantially greater amounts than were needed, the license fees were declared invalid as imposed on wholesale and retail dealers in oleomargarine.¹⁴⁵

The long struggle in Kentucky, dating from 1906, to separate the in-

¹³⁹ *Lumpkin v. Twsp. Comm.*, 48 A. (2nd) 798, 799 (N.J., Sept., 1946).

¹⁴⁰ *Caldwell v. Mann*, 26 So. (2nd) 788 (Fla., June, 1946).

¹⁴¹ *Heck v. Schupp*, 394 Ill. 296, 68 N.E. (2nd) 464 (May, 1946).

¹⁴² *State ex rel. Triangle Fuel Co. v. Caulfield*, 196 S.W. (2nd) 296 (Mo., July, 1946).

¹⁴³ *Moore v. Sutton*, 185 Va. 431, 39 S.E. (2nd) 343 (Sept., 1946), following *State v. Cromwell*, 72 N.D. 565, 9 N.W. (2nd) 914 (1943). Similar statutes have been held invalid in Arizona, Georgia, Hawaii, and Tennessee. *Contra*, *State v. Lawrence*, 213 N.C. 674, 197 S.E. 536 (1938). See Jacobus Tenbroeck and Howard J. Graham, "State Constitutional Law in 1945-46," in this REVIEW, Vol. 40, p. 722 ff. (1946).

¹⁴⁴ *2700 Irving Pk. Bldg. Corp. v. Chicago*, 395 Ill. 138, 69 N.E. (2nd) 827 (Nov., 1946).

¹⁴⁵ *Flynn v. Horst*, 51 A. (2nd) 54 (Pa., Jan., 1947).

insurance business from undertaking received another setback. A 1944 statute which declared burial insurance contracts designating undertakers by name an unreasonable restraint of trade and contrary to public policy was found to be in violation of the natural freedom of contract.¹⁴⁶ One may suspect that again this result was in part due to the failure of the state to present the strongest possible case. A much weaker argument may be successful, however, when there is a long background of regulation of the business involved, such as is true with wrestling matches,¹⁴⁷ motor vehicles¹⁴⁸ and public carriers,¹⁴⁹ and the professions.¹⁵⁰

Due Process in Criminal Proceedings. A person arrested for other than a capital offense must be given ample opportunity to offer bail and be released as soon as possible. The Mississippi supreme court held that the sheriff should be able to accept bail when he makes an arrest not based upon an affidavit or a warrant, in the absence of the justice of the peace.¹⁵¹ The supreme court of Florida ruled that the legality of an indictment or information may not be challenged by a plea in abatement or a motion to quash which alleges that the indictment is based on insufficient evidence to warrant action of the grand jury in returning it.¹⁵² The Missouri constitution provides that a charge may be made either by indictment or information. The court ruled that if the indictment is quashed for an unimportant reason, it is not a nullity and information may be properly substituted.¹⁵³ An indictment must be specific and take into account implied meanings of the statute making the act charged a misdemeanor or crime.¹⁵⁴

The Nebraska supreme court held that there was no constitutional or statutory provision requiring a court to provide or impose counsel upon a defendant in a misdemeanor case.¹⁵⁵ Where the defendant is represented by able counsel, he cannot claim denial of due process because counsel failed to file a motion for a new trial; the supreme court of Mississippi held

¹⁴⁶ *Kenton, etc., Assoc. v. Goodpaster*, 200 S.W. (2nd) 120 (Ky., Dec., 1946). The history of previous efforts is reviewed in the opinion.

¹⁴⁷ *Ward v. Drennon*, 40 S.E. (2nd) 549 (Ga., Oct., 1946).

¹⁴⁸ *Ragland v. Wallace*, 70 N.E. (2nd) 118 (Ohio App., Oct., 1946).

¹⁴⁹ *State v. Chicago & N.W. Ry. Co.*, 25 N.W. (2nd) 824 (Neb., Jan., 1947).

¹⁵⁰ *Taber v. State Bd.*, 51 A. (2nd) 250 (N.J., Feb., 1947).

¹⁵¹ *Sheffield v. Reece*, 28 So. (2nd) 745 (Miss., Jan., 1947).

¹⁵² *Johnson v. State*, 27 So. (2nd) 276 (Fla., July, 1946), following *Richardson v. State*, 100 Fla. 835, 130 So. 718 (1930).

¹⁵³ *State v. Ramsey*, 197 S.W. (2nd) 949 (Mo., Nov., 1946). The indictment referred to the date the murder victim was attacked, but not to the date of death.

¹⁵⁴ *State v. Gibbs*, 48 A. (2nd) 300 (N.J., July, 1946).

¹⁵⁵ *Kissinger v. State*, 25 N.W. (2nd) 829 (Neb., Jan., 1947). Compare *Mexakahomni v. State*, 25 N.W. (2nd) 772 (N.D., Jan., 1947), and the federal rule, *Betts v. Brady*, 316 U.S. 455, 62 S. Ct. 1252 (1942); *Williams v. Kaiser*, 323 U.S. 471, 65 S. Ct. 363 (1945). See also *People v. Martin*, 177 P. (2nd) 813 (Cal. App., Mar.,

that the evidence justified the verdict, and that all errors thereby assignable are available to the appellant by his appeal.¹⁵⁵

Where the defendant has had his day in court and his remedy, the due process requirement is satisfied; an Ohio statute providing for the revocation of a driver's license if the licensee fails within thirty days to satisfy a judgment against him arising out of an auto accident, was upheld under this rule.¹⁵⁷

The only case on searches and seizures arose in the criminal court of appeals of Oklahoma. The court, relying on an earlier case,¹⁵⁸ ruled that the description of the house, the names of the occupants, and the legal description set forth in a search warrant should be read together, and that if the officer executing it could locate the premises without additional information, such a search warrant was sufficient.¹⁵⁹

The Texas court of criminal appeals held that a signed confession is admissible evidence if the accused does not make any complaint about mistreatment during the questionings and if his guilt is not made to depend solely on his signed statement.¹⁶⁰ A Pennsylvania statute dating from 1860, providing that no witness who refuses to testify on grounds of self-incrimination shall be excused, but that no evidence given or facts divulged by him shall be used in any criminal prosecution against him, was declared unconstitutional.¹⁶¹

The supreme court of Washington held that the constitutional requirement that no cruel punishment should be inflicted was not violated as long as the court merely imposed a maximum sentence and the board of prison terms and paroles had not yet exercised its power and fixed a minimum term.¹⁶² The supreme court of Nebraska held that the punishment of "hard labor" constituted an involuntary servitude and could not be imposed in a criminal proceeding—contempt in this case.¹⁶³ The supreme court of Mississippi held that a provision of the constitution that juvenile offenders should be kept apart from hardened criminals could not be applied in capital cases.¹⁶⁴

1947). In civil cases, the law may deny the right to be represented if representation is permitted on appeal. *Prudential Ins. Co. v. Small Claims Ct.*, 173 P. (2nd) 38 (Cal. App., Oct., 1946).

¹⁵⁵ *Dobbs v. State*, 29 So. (2nd) 84 (Miss., Feb., 1947).

¹⁵⁷ *Ragland v. Wallace*, 70 N.E. (2nd) 118 (Ohio App., Oct., 1946).

¹⁵⁸ *Pitzer v. State*, 69 Okla. Cr. 363, 103 P. (2nd) 109 (1940).

¹⁵⁹ *Hughes v. State*, 172 P. (2nd) 435 (Okla. Cr. App., Sept., 1946).

¹⁶⁰ *Angel v. State*, 200 S.W. (2nd) 169 (Tex. Cr. App., Jan., 1946).

¹⁶¹ *Commonwealth v. Frank*, 159 Pa. Super. 271, 48 A. (2nd) 10 (July, 1946).

¹⁶² *State v. Fairbanks*, 171 P. (2nd) 845 (Wash., Aug., 1946). Compare *Ex parte Mooney*, 173 P. (2nd) 655 (Wash., Oct., 1946).

¹⁶³ *Smolaryk v. Caston*, 24 N.W. (2nd) 862 (Neb., 1946).

¹⁶⁴ *Lewis v. State*, 28 So. (2nd) 122 (Miss., Nov., 1946).

Procedural Requirements in Civil Suits. At various times, the legislatures of nine states have passed laws permitting courts to issue temporary writs of restitution in forcible entry or detainer proceedings pending the final decision, if the applicant for such a writ posts a bond. The Nevada statute permitted use of this remedy without notice or hearing and without giving any opportunity to the defendant to post a counter-bond and retain the premises during the trial. The court held, after a review of the law in the other eight states, that the law was unconstitutional without provision for a hearing and counter-bond.¹⁶⁵ Without a hearing, it was impossible for the court to fix the size of the bond properly. All this was pretty well conceded by the state. Its principal argument, which was rejected by the court, was that the requirement of a hearing could be implied from the statute, even though it was not expressly provided.¹⁶⁶ The opportunity for a hearing was held to be required by the constitution in cases involving escheated estates,¹⁶⁷ and on the reports of special masters in divorce proceedings.¹⁶⁸ Other cases in this group concern the method of giving notice permitted under the statutes. Alabama statutes were upheld which permitted notice to be left at defendant's principal place of business,¹⁶⁹ and service by registered mail where "the proceeding is only a continuation of a litigation which is already within the jurisdiction of the court."¹⁷⁰

Taxation. The California supreme court upheld a franchise tax assessment based on the proportion of sales, property, and payroll in that state of a corporation consisting of an out-of-state parent corporation and several subsidiaries. The court declared that a subsidiary corporation could use a separate accounting system only if the business it did within the state was truly distinct from that done outside of it.¹⁷¹

Due process means that vested property rights yield slowly to legislation not in accord with common law concepts. This is demonstrated again in the case of unemployment compensation. The Washington statute which creates a lien on the plant, works, equipment, and buildings for

¹⁶⁵ *Farnow v. Dist. Ct.*, 178 P. (2nd) 371 (Nev., Feb., 1947).

¹⁶⁶ Compare Walter Gelhorn, *Administrative Law; Cases and Comments* (Chicago, 1940), p. 451 ff.

¹⁶⁷ *Taylor v. West. States L. & Mtg. Co.*, 176 P. (2nd) 755 (Cal. App., Feb., 1947).

¹⁶⁸ *Nelson v. Nelson*, 176 P. (2nd) 648 (Ore., Jan., 1947). See also *supra*, note 24.

¹⁶⁹ *Krassner v. Curley*, 29 So. (2nd) 224 (Ala., Jan., 1947), following *Campbell v. State*, 242 Ala. 215, 5 So. (2nd) 466 (1941).

¹⁷⁰ *Cukor v. Cukor*, 49 A. (2nd) 206, 209 (Vt., Oct., 1946). See also *Reina v. Hope*, 29 So. (2nd) 904 (Fla., Jan., 1947); *Payne v. Lee*, 24 N.W. (2nd) 259 (Minn., July, 1946).

¹⁷¹ *Edison Cal. Stores Inc. v. McColgan*, 176 P. (2nd) 697 (Cal., Jan., 1947). See also *Great Western Sugar Co. v. Mitchell*, 174 P. (2nd) 817 (Mont., Nov., 1946); *Bd. of R. R. Commis. v. Aero, etc., Co.*, 172 P. (2nd) 452 (Mont., Sept., 1946).

failure of the employer to pay the tax was declared unconstitutional.¹⁷² In part at least, this seems to be because the owner and the employer may not be one and the same person, although even at common law it is not unknown for the lessor to be held accountable for the misuse of his property by a lessee.

Eminent Domain. The definition of what constitutes a public purpose for which private property may be taken is always troublesome, particularly when large industries move to small communities. In one case this year, it was held that when a street was closed at the request of the town's largest industry, this did not mean that the purpose was not public.¹⁷³ In fact, since the city council heard testimony to the effect that the change would result in increased employment and taxes, it was justified action. But the court implied that compensation might be due from the city to property owners whose access to their property was adversely affected by the closing of the street. Elsewhere it was held, however, that this right of access is not so inviolable that a city council must grant a permit to construct a driveway over the sidewalk where it will create a traffic hazard.¹⁷⁴ Planning received the support of the North Carolina court, which held that property taken for a sewer system which now serves only seventeen families was taken for a public purpose, since an increasing population will use its facilities.¹⁷⁵

A rather unique case arose in New Hampshire involving the use of parking meters.¹⁷⁶ The legislature, considering the passage of a statute authorizing municipalities to install meters, addressed a request to the supreme court for an advisory opinion. Among other questions, the legislature wanted to know whether the installation of such devices would impose on the city the obligation to make compensation to property owners whose property fronts on the street. The court said that the streets used belonged to the city already and could be used for any public purpose, since its title was absolute when compensation was first made.

Retrospective Acts. The principles governing the retroactive application of statutes are fairly uniform. Each year produces a number of cases in which they are applied, usually with somewhat less uniformity. It is clear that the legislature may not affect vested rights retroactively. It is less clear when rights become vested. A dower right in a husband's property was held not to be such a vested right, and that it could therefore be abolished retroactively so long as the husband was still living at the time the law was passed.¹⁷⁷ This is true also with respect to rights in real estate

¹⁷² *State v. Lawton*, 172 P. (2nd) 465 (Wash., Aug., 1946).

¹⁷³ *City of Rock Hill v. Cathran*, 40 S.E. (2nd) 239 (S.C., Nov., 1946).

¹⁷⁴ *Alexander Co. v. City of Owatonna*, 24 N.W. (2nd) 244 (Minn., Aug., 1946).

¹⁷⁵ *City of Charlotte v. Heath*, 40 S.E. (2nd) 600 (N.C., Nov., 1946).

¹⁷⁶ *Opinion of the Justices*, 51 A. (2nd) 836 (N.H., Mar., 1947).

¹⁷⁷ *Turner v. Turner*, 185 Va. 505, 39 S.E. (2nd) 299 (Sept., 1946).

given to an unborn child.¹⁷⁸ With respect to the validation of improper tax levies, the problem is somewhat more complex. Where the form of a tax assessment is not in accordance with the requirements of the statute, the federal courts and the courts of some fourteen states hold that the legislature may retroactively validate the assessment, so long as the parties were given adequate notice.¹⁷⁹ Some five states, including Virginia,¹⁸⁰ hold otherwise. But the Virginia rule shows some signs of changing. It is now held that public rights, such as the time within which appeals may be brought, and statutes of limitations,¹⁸¹ may be changed retroactively.¹⁸² Further, so long as the change occurs before the case to be affected has been finally disposed of on appeal, no vested private rights are impaired.¹⁸³ The retroactive validation in such cases, however, can refer to "those cases where there has been an irregular exercise of existing powers, and not to cases where the power was lacking in the first instance."¹⁸⁴ Nor can a statute impose liens on property after it has been sold.¹⁸⁵ The legislative intent to act retrospectively must usually be clear, for, in the absence of specific language to the contrary, statutes will be applied prospectively only. This is true even where the legislature could have done otherwise and no private rights are involved. As applied, this means that where unemployment compensation boards construed the law to permit denial of compensation to employees who are discharged for willful misconduct (and the courts have held that such a construction is unauthorized by the statute)¹⁸⁶ the statutory amendment will be construed to apply prospectively, although a clear intent to the contrary can be implied.¹⁸⁷ Yet the legislative intent need not always be expressed. A statute making irrevocable conveyances of property possible was construed retrospectively when it was well known that its purpose was to permit evasion of federal tax laws on trusts, since to be effective in this way it must be applied retroactively.¹⁸⁸

¹⁷⁸ *Pinkham v. Unborn Children*, 40 S.E. (2nd) 690 (N.C., Dec., 1946).

¹⁷⁹ See 25 A.L.R. 1136. See also *supra*, note 87.

¹⁸⁰ Beginning with *Martin v. So. Salem L. Co.*, 94 Va. 28, 26 S.E. 591 (1897).

¹⁸¹ *Farris v. N.S.W. Ry. Co.*, 141 Va. 622, 126 S.E. 673 (1925); *City of Norfolk v. Stephenson*, 185 Va. 305, 38 S.E. (2nd) 570 (June, 1946).

¹⁸² But compare *Cal. Empl. Comm. v. Payne*, 176 P. (2nd) 716 (Cal. App., Jan., 1947).

¹⁸³ *Darley v. Cook*, 39 S.E. (2nd) 665 (Ga., Sept., 1946); *Longacre Pk. Heat. Co. v. Delaware Co.*, 50 A. (2nd) 706 (Pa. Super., Jan., 1947).

¹⁸⁴ *People v. Riche*, 71 N.E. (2nd) 333 (Ill., Jan., 1947).

¹⁸⁵ *Perry v. Dept. of Soc. Wel.*, 23 N.W. (2nd) 279 (S.D., June, 1946); *Wheatley v. Root Co.*, 69 N.E. (2nd) 187 (Ohio, Oct., 1946). Compare *Holland v. Ft. Pierce Fin. & Const. Co.*, 27 So. (2nd) 76 (Fla., June, 1946).

¹⁸⁶ Some forty-four states have this omission in their statutes. See *McFarland v. Unempl. Comp. Bd.*, 158 Pa. Super. 418, 45 A. (2nd) 423 (Jan., 1947).

¹⁸⁷ *Dept. of Labor v. Unempl. Comp. Bd.*, 49 A (2nd) 278 (Pa. Super., Oct., 1946).

¹⁸⁸ *Pinkham v. Unborn Children*, 40 S.E. (2nd) 690 (N.C., Dec., 1946).

FOREIGN GOVERNMENT AND POLITICS

THE INFLUENCE OF IDEAS ON POLICIES AS SHOWN IN THE COLLECTIVIZATION OF AGRICULTURE IN RUSSIA

BARRINGTON MOORE, JR.

University of Chicago

The relationship between ideas and social and political changes remains one of the major controversial questions in the social sciences. Certain groups, particularly the Marxists and the behaviorists in both psychology and sociology, relegate ideas to a very subordinate rôle. They claim that for the most part changes in ideas are the result of changes in material conditions or other concrete external factors to which men in society must adjust. At the other extreme are certain philosophers, historians, and philosophically inclined political scientists who assign to ideas an outstanding rôle in the development of economic, political, and social institutions.

The controversy is one that has immediate and practical significance, as well as purely scientific importance. If the United States is to achieve a successful adjustment in a world of rapid economic and political change, the country's leaders will need an accurate understanding of the factors behind these changes, and the probable directions of such change. Such understanding cannot be obtained without knowledge of the major factors involved, such as material conditions and abstract ideas, and the relative importance to be attached to each one. Such knowledge is particularly important in assessing changes in the power relationships among America's potential allies and competitors in the modern world. At the present time, if one may judge from the published diaries of our ambassadors, as well as from what is known of the operations of various intelligence agencies that have received a good deal of publicity since the end of the war, there is no general agreement concerning the procedures to be followed in evaluating symbolic and ideological data, such as statements by important foreign leaders, programs of political parties, and the like, as opposed to more concrete data, such as information on natural resources, economic trends, and similar matters.

It is hoped that the present article will make a modest contribution toward a more exact understanding of the relationship between ideas and political and economic changes and stimulate further discussion of the

topic through a careful analysis of one important case: the development of the goal of collectivized agriculture in the Soviet Union.¹

The tentative theoretical conclusions, reached chiefly through a detailed study of this case, may be stated as five major propositions.

Proposition 1. The historic experience of various social groups provides them, and particularly their leaders, with a series of formulae or stereotypes, to use Lippmann's familiar term, through which they sense and interpret the economic and political tensions in the society around them. These formulae provide a framework for ordering and interpreting experience. The fact that in the modern world few social tensions are experienced directly, but instead make their impact on the individual through newspapers, radio, books, and other media, increases the selective operation of such formulae and stereotypes. The latter may serve in this fashion to "screen out" from the consciousness of the leaders and other persons in a given social group any awareness of certain tensions, and simultaneously increase the awareness of other tensions.

Proposition 2. Out of this awareness of various tensions there develops, by both logical and non-logical processes, a series of goals or objectives. These goals are proposed ways of dealing with the tensions as they are felt and interpreted. The goals, together with the analyses and interpretations of the tensions, constitute the chief elements in political programs, or any given economic and political ideology.

Proposition 3. If the given political or social group under consideration has an opportunity to put some of its objectives into practice, new problems and new tensions may result from these actions. The effort to adapt to these tensions is likely to result in a partial modification of the original set of goals and analyses. In this adaptive process, new goals may be developed and old ones discarded or retained for purely ritualistic purposes. The latter are typically uttered on state occasions to an audience that knows they no longer bear any relation to reality.

Proposition 4. At the same time, within a given group a certain stability in goals, analyses, and actual political behavior is maintained, partly through the continuity of the leading personnel, partly through the indoctrination of new personnel with the old ideas. There is also an observable tendency to meet new situations with old and sometimes even temporarily discarded ideas. As external situations change, there may develop

¹ This article is a condensed version of one section of a longer study on the evolution of Soviet institutions and on contemporary factors working for and against change. A preliminary sketch of certain other aspects of the problem has appeared in the *Journal of the History of Ideas*, October, 1945, under the title, "Some Readjustments in Communist Theory." The writer welcomes any critical comments that may lead to a more effective analysis of the theoretical and historical problems involved.

within the leadership of any given group a variety of ideas concerning the most advantageous way to meet the situation. However, such variations tend to be all around a central theme. Within a limited time span of, let us say, three generations it appears that there is no complete reversal of the earlier ideology. In this way the variety of possible adaptations of any given political group seems to be rather limited. Similarly, the number of purely Machiavellian opportunists in political affairs seems to be extremely insignificant.

Proposition 5. Whether a given group continues to modify its goals, analyses, and political behavior, or returns to the original doctrine may depend largely on one factor. If the modifications and "toning down," or ritualization, of the original doctrine, in both theory and practice, strengthens the power position of the new *elite*, it may continue indefinitely. If, on the other hand, it creates new social tensions and weakens the power position of the new *elite*, there may be a sharp reversion to the earlier program.

We may now show how these propositions can be derived from the development of Bolshevik ideas and Soviet institutions in the field of agriculture, without by any means implying that these propositions are proved by the fact that they apply to one specific case. Furthermore, although the writer believes that this theoretical framework provides the most satisfactory explanation to date of this case, other more satisfactory theoretical interpretations are almost certain to be invented in the course of time.²

Prior to the Revolution of 1917, Lenin asserted on a number of occasions that the misery of the Russian peasant and the difficulties of Russian agriculture were due to the concentration of land in the hands of the big landowners and feudal aristocracy.³ A further important source of agrarian discontent, according to him, was the survival of "antiquated" and "feudal" institutions such as the village commune.⁴

In his analysis and interpretation of pre-revolutionary social tensions, Lenin pointed to two possible lines of development. One possibility was along the Prussian model, through the gradual transformation of the large estates into "Junker-bourgeois" estates, by turning the mass of the

² The omission for reasons of space of certain related problems in industry and foreign affairs also leads to an unavoidable over-simplification. For a valuable survey of the relevant Soviet statistics, see W. Ladejinsky, "Collectivization of Agriculture in the Soviet Union," *Political Science Quarterly*, Mar., 1934, pp. 6-20.

³ See V. I. Lenin, "The Agrarian Program of Social Democracy in the First Russian Revolution, 1905-1907," written in November-December, 1907, in *Selected Works* (New York, n. d.), III, 168, for his interpretation of the official figures on land distribution.

⁴ The commune (*mir*) was responsible for tax collections, and for determining the dates of ploughing, harvesting, and other agricultural processes, as well as the periodic redistribution of the land among the inhabitants.

peasantry into landless peasants and keeping them down to a pauper standard of living. Parallel with this development there would be, in his opinion, the growth of a class of well-to-do peasants, or "kulaks," who would participate in the exploitation of the masses. This process would break up the village commune and the other "antiquated" and semi-feudal institutions in the interest of the landlords. The second possible line of development Lenin regarded as the American model. This too required the destruction of the old feudal forms, but in the interest of the peasant masses and not the landlords. The end result would be a mass of free farmers. Both of these possibilities he regarded as strictly capitalist developments, though he stressed that the latter would be far more beneficial to the masses.⁵

On the basis of this interpretation of the economic and political situation in Russia prior to the Revolution, Lenin stated very clearly that his party ought to promote the latter type of development, namely, the "bourgeois" growth of a mass of free farmers. This was to be their immediate goal. While Bolshevik political tactics and alliances were to be governed accordingly, he cautioned his followers against confusing this bourgeois goal with the ultimate one of socialism.⁶

The means by which the feudal landlords and the institution of the *mir* were to be destroyed was the nationalization of the land. Though this term is now associated with socialist measures, and at the time it was proposed included the "total abolition of private property in land," Lenin regarded it as a purely bourgeois device for the purpose of destroying pre-capitalist relationships. "In the sphere of economics, nationalization in a bourgeois agrarian revolution is more far-reaching than anything else, because it breaks up all the medieval forms of land-ownership. . . . Nationalization enables the fences of land-ownership to be torn down to the utmost degree, and the land to be 'cleared' for the new forms of farming suitable to the requirements of capitalism."⁷

In his pre-revolutionary writings and polemics, most of Lenin's attention was devoted to the problem of how best to achieve the first, and in his opinion, distinctly capitalist objective. It is only rarely that he gives us a glimpse of the agricultural aspects of his ultimate goal. There is contained in these glimpses only the sketchiest hint of the large-scale collective farms that now are the basis of Soviet agriculture. In a political pamphlet published in 1903, Lenin stated that after the victory of the working class over the bourgeoisie the workers would "take the land away from the big proprietors" and introduce "coöperative farming" on the big estates, with elected managers, eight-hour shifts for the workers, wide use of

⁵ Lenin, *op. cit.*, pp. 279-280.

⁶ *Ibid.*, p. 258.

⁷ *Ibid.*, pp. 238-239. See also pp. 212, 220, 232, 234, 235, 266, 283.

machinery, and other features. This proposal does not represent more than a way of making efficient use of the big estates, as Lenin specifically stated that the small peasant would continue in operation.⁸

This formulation of the social tensions in Russian agriculture and of ways to resolve them was elaborated at several party congresses before the 1917 Revolution and circulated in pamphlets, newspapers, and discussion groups until it became more or less the stock of ideas with which the Bolshevik leaders were equipped when they came into power. These ideas provided the basic pattern, abandoned and modified in some respects and elaborated and amplified in others, for subsequent thinking and acting on agricultural problems.

On November 8, 1917, the day following the Revolution, the All-Russian Congress of Soviets passed, at Lenin's suggestion, a decree abolishing landed proprietorship without compensation, and putting the landed estates, monasterial, and church lands, under the control of various local groups, including peasant soviets, pending the meeting of the Constituent Assembly. Land was to be distributed "on an equality basis" in conformity with either the labor standard or the consumption standard (i.e., how much land a man could work with his own family or how much he needed to feed his family) according to local conditions. The employment of hired labor was prohibited. Lenin's avowed purpose in this move, which was not as thoroughgoing as some of his followers wished, was to win the support of the peasants by eliminating the landlords.⁹

At this time and later, the Bolsheviks freely stated that in the passage of this decree they were borrowing from the program of the left Social Revolutionaries, a wing of the chief peasant party. On the basis of these admissions, some students have concluded that the first important act by the Bolsheviks was determined by purely tactical and opportunistic considerations. While this may be true of the provisions for an equalitarian distribution of the land, it cannot very well apply to the main measure, the abolition of landed proprietorship and the confiscation of estates (i.e., nationalization). This was directly in line with Lenin's earlier views, and with programmatic statements of the Bolsheviks after Lenin's return to Russia some months prior to the November Revolution.¹⁰

During 1918, Communist enthusiasts set up a few communes on the former estates of the landlords. In these communes all property, which

⁸ "To the Rural Poor," *Selected Works*, II, 293.

⁹ Lenin, *Selected Works*, VI, 406-409.

¹⁰ On some occasions the Bolsheviks had opposed nationalization under Tsarist auspices as a measure that might strengthen the régime. With the Bolsheviks in power, this objection, of course, disappeared. The problem of nationalization and the competing views presented are analyzed in an illuminating but unfortunately rare brochure, V. Meshcheryakov, *Natsionalizatsiya i Sotsializatsiya Zemli* ["Nationalization and Socialization of the Land"] (Moscow, 1918), especially pp. 36-41.

consisted chiefly of the stock and implements of the landlords, was held in common.¹¹

The first actual decree on the "transition to socialist agriculture" did not come until February 14, 1919.¹² The decree declared all the land to belong to a single governmental fund, and, in the words of a Russian legal authority, "took a negative attitude towards individual enterprise." It also recognized the need for a transition to collective farms. During the remainder of 1919, the Party issued a whole series of further decrees aiming at the maximum beginning of collectivization.¹³ By the end of 1920 there were a total of 4,400 state farms organized on a collective basis, with an average area of 1,150 acres. These represented merely a minute beginning. By this time only three per cent of the peasants' land was being jointly cultivated by collective labor.¹⁴

On April 30, 1920, a decree of the Council of People's Commissars discouraged further redistribution of the ploughland, and another decree of May 27, 1920, permitted the retention by the peasant of more than the "norm" of land allotted to him so long as he was actually working this land. These decrees foreshadowed the New Economic Policy of 1921, which constituted an admitted reversal of previous policy.

During this period 1917-20, certain significant elaborations were made on the original doctrines concerning agriculture. To a very marked extent, these elaborations were a response to the conditions created by the Bolsheviks themselves in the chaos of the Revolution. They consisted of an increased emphasis on collectivization as a social goal and the development of a series of theoretical justifications for this goal. In this fashion the Bolsheviks were attempting to find a solution to their difficulties that would be in accord with socialist doctrine. Although collectivist ideas were dropped for a time after 1921, their significance lies in their later revival under a new set of tensions and a new set of conditions more favorable to their execution.

As the Bolsheviks in this early period attempted to meet the conditions presented by the Revolution, the civil war, the famine, and their own attempts to set up a new society, they became convinced that measures were necessary to raise the productivity of agriculture. In a speech of November

¹¹ "Kommuna sel'sko-khozyaistvennaya," *Bolshaya Sovetskaya Entsiklopedia* ["Agricultural Commune," *Large Soviet Encyclopedia*] (Moscow, 1928), XXXIII, 646.

¹² I. I. Evmikhiev, *Zemel'noe Pravo* [Land Law] (Moscow, 1923), pp. 77-99, gives a convenient summary of the early land legislation. Unless otherwise indicated, the dates and contents of these decrees are taken from this source.

¹³ Lenin, *Selected Works*, VIII, 142, note, gives a summary of these measures.

¹⁴ Sir John Maynard, *The Russian Peasant and Other Studies* (London, 1943), p. 123.

8, 1918, Lenin remarked that division of the land was all very well in the beginning, as its purpose was to show that the land was being taken from the landlords and handed over to the peasants. But this measure, he added, was not enough. The solution lay only in social cultivation of the land. "We are being led to this conviction by force of experience. Salvation from the disadvantages of small-scale farming lies in communes, cultivation by cartels, or peasant associations. That is the way to raise and improve agriculture, to economise forces, and to combat the . . . parasites and exploiters."¹⁵ For some time thereafter, Communist writings and speeches on the problem of collectivization emphasized the inefficiency and low productivity of small-scale proprietorship.¹⁶

However, Bolshevik or Communist doctrine during the heroic period tended to "screen out" of the consciousness of the new rulers awareness of external circumstances that made their program extremely difficult, or, as events indicated, impossible to achieve at that time. These circumstances were the collapse of the entire productive apparatus and the indifference and actual hostility of most of the peasantry to their objectives. Both industrial and agricultural production fell off catastrophically in this period.

A series of peasant uprisings in 1920 and 1921, together with the rebellion of the sailors in the Red Navy at Kronstadt, formerly a center of Bolshevik support, forced these circumstances to the attention of Lenin and other leaders. While the official change in policy was most abrupt, there is evidence that for some months before the actual change took place persons close to Lenin who were in touch with conditions in the countryside attempted to persuade him to change his tactics. Furthermore a degree of free discussion of major policy matters was permitted in the Party at that time, with the result that a number of alternate solutions could be presented.¹⁷

At the Tenth Congress of the Russian Communist Party, in March, 1921, Lenin announced the New Economic Policy, through which the Communists hoped to back out of their difficulties. The Congress adopted a resolution, confirmed and amplified by decrees of the party Central

¹⁵ Lenin, *Selected Works*, VIII, 140-141.

¹⁶ See Lenin, *Selected Works*, VIII, 159, 195, and *Vosmoy S'ezd R. K. P. (b), Stenografichesky Otchet, 18-23, Mart'a 1919* [Eighth Congress of the Russian Communist Party, March 13-23, 1919, Stenographic Report] (Moscow, 1933), p. 23C, for repetitions of this argument.

¹⁷ For a survey of the various alternate solutions, see Maurice Dobb, *Russian Economic Development Since the Revolution* (New York, 1928), pp. 152-165. Trotsky claimed that in February, 1920, he advanced a program similar to the NEP on the basis of his experience directing economic work in the Urals. See Leon Trotsky, *My Life* (New York, 1930), pp. 463-464. For a similar suggestion by a non-party specialist, see Simon Liberman, *Building Lenin's Russia* (Chicago, 1945), p. 93.

Committee, which gave the peasants the right to trade in their produce after they had fulfilled their obligations to the government. By granting the peasants freedom to trade in their surpluses, it was hoped that the peasants would be given an incentive to greater production—a hope that was justified by later events. A decree of the Central Committee of March 23, 1921, granted the peasants full and continuous use of the land. Finally, a decree of the Council of People's Commissars on November 14, 1921, recognized the liquidation of various governmental agricultural undertakings, and of the communes, and took various bookkeeping measures in accord therewith.

The retreat from the goals of collectivization continued for several years. It appears to have reached its farthest point in April, 1925. The Politburo, highest organ of the Party, on April 16 specifically affirmed the right of the peasants to make use of hired labor, though this act merely recognized a situation that had existed for some time.¹⁸ Likewise on April 30 the Central Committee directed local soviet and party organizations to permit a wider application of the right to lease land, which had in the past been limited to the period of a single crop rotation.¹⁹

Corresponding to this retreat in the field of action was a retreat from previous goals in the field of ideas, although the latter did not go as far as the former. Perhaps the farthest point in the ideological retreat is marked by the boast of Kamenev, prominent party leader, to the Twelfth Party Congress in 1923 that in five years the program of an agrarian revolution had actually been carried out.²⁰ In this fashion he justified, by implication at least, the maintenance of the *status quo* under the NEP. However, the resolutions of the Congress declared that one of the tasks of the Soviet government was the creation of the simplest forms of economic coöperation among the peasantry, and urged that certain surviving collective organizations should receive preference in the government's program of support for the peasantry.²¹

As Lenin himself anticipated would be the case when he promulgated

¹⁸ The Politburo decision was followed by a decree of the Council of People's Commissars published in *Pravda* and *Izvestia* on April 23, 1925. In 1923, the resolutions of the Twelfth Congress had recognized the increased use of hired labor and recommended certain safeguards to protect the poor peasants who were the source of this labor.

¹⁹ Text of the Central Committee directive in M. Savel'ev i A. Poskrebishev, *Direktivi V.K.P.(b) po Khozyaistvennim Voprosam* ["Directives of the Communist Party on Economic Questions"] (Moscow, 1931), p. 220. For comment, see Dobb, *op. cit.*, pp. 348-349.

²⁰ *Dvenadtsaty S'ezd Rossiiskoy Kommunisticheskoy Partii (Bolshevikov)*, *Stenografichesky Otchet* [Twelfth Congress of the Russian Communist Party, Stenographic Report] (Moscow, 1925), p. 391.

²¹ *Ibid.*, pp. 679-680.

the NEP in 1921, the execution of the new policy solved some problems and created a series of new ones. There is no doubt that the NEP produced a revival of economic life in Russia. At the same time, this revival was accompanied by severe social tensions. These tensions help to explain why no Thermidor situation developed. The recovery of urban life and industry was accompanied by a partial revival of the private trader and the private producer. While the countryside enjoyed an increase in productivity, the stubborn survival of the *mir* and the continuing difficulties of creating an adequate exchange between town and country of their respective products presented serious problems. Finally, the return of class stratification to village life created, together with the other difficulties, a series of problems whose solution was imperative if the Communists were to retain their newly won power. As Trotsky and others pointed out, the NEP was encouraging the growth of special interest groups who were sharply opposed to the ruling *élite*, and who could end by overthrowing them.

A number of alternate solutions to this set of problems was offered during the acrid discussions that began almost immediately after the promulgation of the NEP. However, all of these solutions were variations on a single theme. All of the contestants in the bitter struggle that culminated in the expulsion of Trotsky and others, and the establishment of a dictatorship under Stalin, argued that their final objective was socialism. Likewise, all of them agreed at one time or another that the outstanding danger in the NEP was the growth of a new capitalist bourgeoisie hostile to the Bolsheviks. At the several party congresses, and in the press, Trotsky, Kamenev, Zinoviev, Kalinin, Bukharin, and Stalin all made this point. There was agreement on the nature of the dilemma, disagreement on the way to escape from it.

In the space of a brief article it is impossible even to summarize all of the proposals offered, or even the procedures that were actually attempted. The present writer has been able to distinguish at least six major lines of thought and action in a survey of the contemporary literature. Stalin's solution, the ultimate winner, combined elements from several of them, including Trotsky's. Its essential elements, however, go back to Lenin's arguments about the inefficiency of small-scale agriculture and the consequent necessity for large-scale socialized agriculture, which were put forth during the first and unsuccessful efforts at collectivization immediately following the Revolution.

Stalin's report to the Fifteenth Party Congress in December, 1927, marks the turning point in the road towards collectivization. In this speech Stalin pointed out that the increase in the productivity of agriculture lagged far behind the corresponding increase in industry. This lag indeed threatened to upset the balance between industry and agriculture. It could

therefore upset the whole program of economic self-sufficiency which had been decided upon at the Fourteenth Congress in 1925. The reasons for this lag, he said, lay in the fact that agriculture was conducted in an unplanned manner by scattered owners of small plots. Industry, on the other hand, was operated in large units, subject to planned socialist control.²² On the same occasion, the well known agricultural economist, Yekovlev produced numerous figures purporting to show that large-scale farmers were much more productive than small ones.²³ Supporting the same argument, Molotov pointed out that the curbing of the capitalist elements in the countryside was merely a policy of palliatives, no matter how well it was done.²⁴ From this general interpretation of the situation Stalin drew the conclusion that: "The way out is in the transition from small-scale peasant enterprises to large-scale, unified enterprises on the basis of a socialized working of the land, in the transition to collectivized working of the land on the basis of a new and higher technique."²⁵ Thus the new party line came to parallel very closely Lenin's arguments of 1918.

Soon afterwards, steps were taken to promote the movement of the peasants into the *kolkhozi*, though reliance on voluntary methods continued for a while. A little more than two years were to elapse, during which the First Five Year Plan was announced, before the party embarked on its policy of the "liquidation of the kulaks as a class" and widespread forced collectivization.²⁶

The story of the upheavals caused by this policy, of the temporary retreats, and eventual success is a familiar one. By collectivization, and through the Five Year Plans, the Communists assured themselves the necessary material basis, to use the Marxist term, for the political and ideological structure they attempted to impose in 1917. The evolution of collectivization in Russia provides at least one example of an idea or group of ideas leading to the creation of a specific economic and political situation.

Political responsibility has forced several changes from the original goals. But these readjustments have been chiefly within the pattern of original doctrine. Though there has been modification of the original

²² Stalin, *XV S'ezd Vsesoiuznoy Kommunisticheskoy Partii (b) Stenografichesky Otchet* [Fifteenth Congress of the Communist Party of the Soviet Union, Stenographic Report] (Moscow-Leningrad, 1928), pp. 55 ff.

²³ *Ibid.*, pp. 1217-1222.

²⁴ *Ibid.*, pp. 1061-1062.

²⁵ *Ibid.*, p. 56; see also p. 59.

²⁶ A decree of the party Central Committee, "On the tempo of collectivization and measures of government assistance in kolkhoz construction," January 5, 1930, is usually regarded as the opening gun in this campaign. Text in Savel'ev and Poskrebishev, *op. cit.*, pp. 562-664. The Communists deny that collectivization was forced upon the peasants, though this is the opinion of most observers.

doctrine, there has been no outright rejection of it in favor of another doctrine and another set of institutional forms, such as peasant proprietorship.

The process of dynamic interaction between ideas and institutions is, of course, still continuing. The tensions that remain in the functioning of contemporary agricultural institutions, such as the conflict between the individual interests of the farmer and the demands made upon him by the collective organization of agriculture, may lead to further readjustments of both ideas and practices. However, an analysis of the contemporary factors affecting future developments must be reserved for a longer study now in progress.

In this sketch of orthodox Communist theory and practice up to 1930, the five processes noted in the beginning of this article occur several times. One may observe how the interpretation of conditions led to specific goals before the Revolution, in the heroic period following the Revolution, in the development of the New Economic Policy, and in the final choice for collectivization. It is also possible to observe how the orthodox doctrine provided a framework for the interpretation of events, stressing some factors and eliminating others from the thinking of the leaders in each of these periods. These processes are described in general terms in the first two propositions.

The third and fourth processes, concerning the readaptation of interpretations and goals as a result of conditions created by actions taken on the basis of previous goals, is shown first in the initial efforts to collectivize based on an elaboration of the earlier theories, secondly in the temporary and partial abandonment of these ideas under the impact of external conditions, and finally, in the return to modified and elaborated versions of these ideas in the effort to resolve the tensions created by the NEP.

The importance of the relationship between a given set of policies and the power position of the *elite*, discussed in the fifth proposition, appears most clearly in the abandonment of the NEP, when the latter's continuation threatened the prolonged existence of the first "workers' state." It may also be noted in the adoption of this same policy, as well as in the immediate grant of the lands to the peasantry.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

A Word of Explanation. Readers of this REVIEW will agree that, compared with many periodicals, a good record for promptness of publication was maintained during the war years. It is hoped and expected that, with continuing coöperation from all concerned, service will be equally satisfactory in the future. The June issue, however, appeared three weeks late, and the present issue may not do much better—the sole reason being a substantially involuntary shut-down of the Banta Company's plant for purposes of vacation for all employees at the same time, in accordance with a labor pattern currently assuming national scope.

Under date of July 7, announcement was sent to all members of the American Political Science Association of the removal, by vote of the Executive Council, of the offices of the secretary-treasurer from Northwestern University to Ohio State University. This meant that eleven years of diligent and faithful service of Professor Kenneth Colegrove as secretary-treasurer had, at his own insistence, come to an end. During its forty-three years, the Association has had a succession of secretaries (seven or eight in all), with none, however, occupying the post as long as Professor Colegrove; and without disparagement of others who have given time and effort to the work entailed, it is fair to say that none devoted himself more assiduously to promoting the organization's interests and the well-being of the political science profession in general. Possibly the most tangible evidence of Professor Colegrove's devoted stewardship is a membership (now approaching forty-five hundred) practically double that enrolled when he took office; and none knows better than the writer of these lines how zealously and ingeniously he worked, in season and out, to build up such a membership. To measure his service merely in terms of membership cards would, however, do him grave injustice. Even more significant would be the insight, generosity, and enthusiasm with which he instigated, supported, and guided many, if not most, of the Association's activities; the morale which his influence inspired and cultivated; the cordial liaison which he maintained, always to the Association's credit and benefit, with kindred social scientists and their organizations; and, not least—or easiest—the management of the Association's annual meetings on lines that have made them the profitable and pleasurable occasions that we know today. The new secretary-treasurer, Professor Harvey Walker, comes into office auspiciously. He has served for four years as the only assistant secretary-treasurer that the Association ever had and knows the organization's affairs as no other ever did

when entering office. He has zest for the job; and from him may confidently be expected service and leadership that will carry the Association to new levels of achievement and usefulness.

The following alterations in the composition of committees of the American Political Science Association as published in the previous issue of the REVIEW are herewith reported: (1) Committee on Endowment, name of William Y. Elliott (Harvard University) inadvertently omitted; (2) Provisional Panel on the Creation of a Committee on Government and Labor-Management Relations, Avery Leiserson (University of Chicago) and Harold Winkler (University of California) have thus far accepted membership; (3) Committee on Awards, Panel on Government and Democracy (Woodrow Wilson Foundation), President Harry D. Gideonse (Brooklyn College) and Thomas K. Finletter (New York City) have been added.

Professor Franklin L. Burdette, editor of the forthcoming new edition of the *Directory of the American Political Science Association*, reports delays arising from slowness of members in responding to the questionnaire sent out in quest of information and urges prompt coöperation on the part of all. Questionnaires are to be returned to him at the University of Maryland, College Park, Md.

After serving as chairman of the department of political science for seventeen of the past twenty years, Professor William Anderson, of the University of Minnesota, has requested and obtained release from the post, and at the end of the fall quarter, 1947, will be succeeded by Professor Harold S. Quigley. Professor Anderson will then take leave for the winter quarter.

Professor Austin F. Macdonald, of the University of California, will be on sabbatical leave during 1947-48, and will visit the principal countries of Latin America, obtaining information for a forthcoming book on Latin American politics.

Professors James K. Pollock, of the University of Michigan, and Alpheus T. Mason, of Princeton University, gave courses at Stanford University during the summer quarter.

During the summer, Professor William Y. Elliott, of Harvard University, was appointed temporarily to the position of analyst in international relations in the Legislative Reference Service, Library of Congress, and Professor Rodney L. Mott, of Colgate University, was appointed legal analyst in the State Law Section, for a period of two months, to prepare a new and definitive edition to the constitutions of the various states.

Under appointment by Governor Bradford, Professor Morris B. Lambie, of Harvard University, is serving on a five-man advisory commission on state and local finances in Massachusetts.

At the University of Michigan, Professor John W. Lederle has been appointed secretary of the executive committee of the Institute of Public Administration, replacing Professor John A. Perkins, who resigned to become state budget director.

Drs. David N. Rowe, of Yale University, and Yuen-li Liang, director of the Division of Development and Codification of International Law, United Nations, taught at the University of Michigan during the recent summer session.

Professor Sigmund Neumann, of Wesleyan University, served as visiting professor at Harvard University during the second half of last year and has been teaching at Columbia University during the summer.

Professor Philip Jessup, of Columbia University, gave courses on international law and international government and administration at the University of Washington during the summer.

At the University of Washington, Professor George A. Shipman will henceforth supervise a new graduate program in public administration. The curriculum will consist of a series of seminars in American institutions, the administrative process, public management, public law, the economics of public activity, and administrative problems; and the work will lead to a new specialized master's degree in public administration.

Professor Charles Fairman will return to Stanford University in the autumn quarter after sabbatical leave, and will offer courses in the Law School and in the department of political science. During his absence, Professor Philip W. Buck is acting chairman of the department.

Professor William P. Maddox, on leave from the University of Pennsylvania, has been appointed director of the newly established Foreign Service Institute in the Department of State.

Professor W. Hardy Wickwar, of Hamilton College, is serving temporarily as a specialist in the Social Affairs department of the UN Secretariat for the purpose of setting up a study, requested by the Economic and Social Council, of methods of social welfare administration in present use in various countries.

At George Washington University, Dean William C. Johnstone has been granted an additional year's leave of absence to permit him to continue as chief public affairs officer of the American Commission to India.

During June—to be exact, on Friday, June 13—Professor Frederick L. Schuman, of Williams College, suffered injuries in an automobile accident at Milford, Massachusetts. He has since been recovering satisfactorily, with his summer courses at Williams taken care of by Professor Carl Deutsch, of the Massachusetts Institute of Technology.

Dr. Albert Shaw, from 1891 to 1937 editor of the *American Review of Reviews*, and an early president of the American Political Science Association, died in New York City on June 25 at the age of eighty-nine. He was the author of a number of books on municipal government and other aspects of public affairs.

Professor Harvey C. Mansfield, of Yale University, has been appointed to a professorship at Ohio State University and will succeed Professor Henry R. Spencer as chairman of the department of political science. In 1936, Professor Mansfield served as senior consultant to President Roosevelt's Committee on Administrative Management, and in 1942 was called to Washington again as price executive and later chief of the policy analysis branch of the OPA. Professor Spencer will continue teaching.

The University of Maryland announces the promotion of Dr. Franklin L. Burdette to the rank of professor and of Dr. Robert G. Dixon to that of assistant professor. New instructors for next year will be Messrs. Edward G. Misey, of Columbia University, and Donald P. Brown, of the American University.

Dr. Robert W. McCulloch, formerly of Oklahoma Agricultural and Mechanical College, has accepted an associate professorship at Western State College, Gunnison, Colorado.

Mr. Paul Beckett, for two years professor of government and assistant director of the division of government research at the University of New Mexico, has accepted an assistant professorship at Washington State College, where he will offer courses in public administration and local government.

Professor Weldon Cooper, formerly of the U. S. Bureau of the Budget and the University of Alabama, has been appointed professor of political science and associate director of the bureau of public administration at the University of Virginia.

Dr. Ward Stewart, formerly assistant director of Foreign Funds Control in the U. S. Treasury Department and assistant executive director of the War Refugee Board in the Executive Office of the President, has joined the staff of the U. S. Atomic Energy Commission.

At Boston University, a new department of government has been organized, with Professor Don B. Leiffer as chairman; also a bureau of public administration which will begin operations this autumn.

Professor Jasper B. Shannon, of the University of Kentucky, is teaching at the University of Tennessee during the current second summer term.

At commencement exercises of June 8, Dickinson College conferred on Professor Alpheus T. Mason, of Princeton University, the honorary degree of doctor of letters.

Professor George A. Graham, chairman of the politics department at Princeton University, conducted a round-table on "Inter-Agency Committees in the Federal Service" at the annual meeting of the American Society of Public Administration in Washington on March 15.

Professor David Fellman, of the University of Nebraska, has accepted a professorship at the University of Wisconsin, where his work will be concentrated in the field of American institutions.

Visiting lecturers at the University of Illinois this summer have included Professors Frank H. Jonas, of the University of Utah, John H. Leek, of the University of Oklahoma, and Hollis W. Barber, recently of Tulane University, but now joining the staff of the University of Illinois for work in the Chicago Undergraduate Division.

The University of Maryland announces the appointment of Dr. Elwyn A. Mauck, formerly of the University of North Carolina and recently on assignment with the War Assets Administration at Nashville, Tennessee, to a professorship; also of Mr. Edward G. Misey, graduate student recently at the University of Wisconsin and now at Columbia University, as instructor.

Professor Benjamin E. Lippincott, of the University of Minnesota, will be on sabbatical leave during the academic year 1947-48. At the same institution, Dr. Edward W. Weidner has been promoted to an assistant professorship.

Dr. R. W. Van Wagenen, who served with the Allied Secretariat of the Control Council with the rank of Lieutenant Colonel, has been appointed associate professor at Duke University and will assume the position in September. During the past year, Dr. Van Wagenen has been engaged as deputy United States secretary to the United States member of the Secretariat.

At the University of Pennsylvania, Dr. E. B. Cale has been promoted to an associate professorship.

Drs. Manfred C. Vernon, of Stanford University, and Roger S. Abbott, of the University of California, have been appointed instructors at the University of Michigan.

Dr. J. Austin Ranney, who is completing his work for the doctorate at Yale University, has been appointed instructor at the University of Illinois.

Mr. George F. Rohrlich, Office of Intelligence Research, Department of State, formerly with OSS and Sweet Briar College, has been appointed chief of the Economic Analysis Branch, Social Security and Insurance Division, CINCPAC, Tokyo.

Mr. Currin Shields, graduate student formerly at the University of Wisconsin and later at Yale University, is teaching at Boston University during the present summer.

Dr. Victor A. Thompson, recently an instructor at the University of Texas, has been appointed to an assistant professorship at the Illinois Institute of Technology.

Professor Robert H. Connery, of Stanford University, held a summer appointment in the Graduate School of Columbia University, and was occupied also with completing a research assignment for the office of the Assistant Secretary of the Navy.

Dr. Russell Hunt Fifield, of the United States Foreign Service, has been appointed assistant professor at the University of Michigan.

At the University of Illinois, Dr. Phillip Monypenny, during the past year at the University of Puerto Rico as a member of the PAS visiting team, has been added to the staff as a visiting professor.

For purposes of summer teaching in 1947, Professors Winston W. Crouch, of U.C.L.A., and Don B. Leiffer, of Boston University, exchanged posts.

Mr. Philip Pendleton, lecturer in political science at the University of Pennsylvania, has been appointed University treasurer.

Dr. Maurice Klain, formerly of Connecticut College, has received an appointment at Amherst College.

Professor William T. R. Fox, of Yale University, taught at Harvard University during the recent summer session.

New appointments at Yale University include Dr. Willmoore Kendall, at present chairman of the Latin American Division of the Central In-

telligence Group in the Department of State, as associate professor; Dr. Fred V. Cahill, of the University of Oregon, as assistant professor; and Dr. M. Henry Wells, a recent Ph.D. of Yale, as instructor.

Dr. Djang Chu, a distinguished younger Chinese public administrator, was the principal speaker at a private conference on the China problem held by the School of Advanced International Studies, Washington, D. C., between April 29 and May 3, with Dr. Paul M. A. Linebarger presiding. Dr. Djang discussed "China's Post-War Crises," "Social Changes Underlying Political Developments," "Democratization and Unification," "The New Constitution," and "Political Factions and the Prospect of Peace."

Dr. Totton J. Anderson, who served during the war as Lieutenant Colonel in the United States Army Air Forces with an operational bomb group in the European Theater, and who returned recently to his position as dean of admissions and records at the Ventura Junior College, has been appointed associate professor at the University of Southern California.

At the University of Utah, Drs. Charles P. Schleicher and G. Homer Durham have been advanced to full professorships, and Dr. Frank H. Jonas, formerly of the Utah State Agricultural College, has accepted a position as associate professor.

Dr. Norman D. Palmer, formerly of Colby College, has been appointed to an associate professorship at the University of Pennsylvania.

Dr. Thomas C. Donnelly, of the University of New Mexico, was appointed dean of the college of arts and sciences of the University on July 1, 1947. Dr. Miguel Jorin has been advanced from an associate professorship to a full professorship; Dr. Charles B. Judah, Jr., has been appointed associate professor; and Dr. Frederick C. Irion, formerly of Appleton College, assistant professor. Mr. J. E. Holmes will assume direction of the department's division of research for the coming year.

A conference on the Middle East was held at New York University June 5-6, with more than two hundred persons in attendance. Among those on the program was Professor Clyde Eagleton, discussing "Straits and Strategy."

A state Municipal Finance Officers Association has been formed in Tennessee, with the Bureau of Public Administration at the University of Tennessee serving as its secretariat.

Under direction of Professor Joseph Dunner, an Institute of International Affairs was held at Grinnell College, July 10-20. Professors Wilson L. Godshall, of Lehigh University, and Arnold J. Zurcher, of New York University, together with anumber of other guest lecturers, partic-

ipated, and subjects dealt with included the Far East, Latin America, Soviet Russia, and problems of international organization.

Resuming an activity interrupted by the war, the extension division of the University of Florida, in conjunction with the Florida City Managers Association, held an institute for the city managers of the state at Gainesville June 12-14. Professor M. J. Dauer helped arrange the program; Professor J. E. Dovell participated in a session devoted to public administration and personnel management; and Mr. Clarence E. Ridley, director of the International City Managers Association, led discussions of city-manager problems in general, but with particular reference to Florida.

The 1947 annual conference of the Governmental Research Association, to be held in New York City October 8-11, is being planned to commemorate "Forty Years of Governmental Research."

The desperate and continued need for American publications to serve as tools of physical and intellectual reconstruction abroad has been made vividly apparent by appeals from men of learning in many lands, and from Americans who have seen this need. The American Book Center for War Devastated Libraries, continuing its program through 1947, is making a renewed appeal for donations of books and periodicals, for publications of intellectual merit in all fields, and particularly for volumes published in the last ten years. Especially useful would be complete or incomplete files of this REVIEW. Contributions should be shipped to the American Book Center, care of the Library of Congress, Washington 25, D. C., freight prepaid; or write to the Book Center for further information.

At the University of Utah, the Institute of Government has announced a program of graduate training and special certificates in political science. In coöperation with the University departments of instruction, graduate degrees may be earned in conjunction with a program leading to special certificates in public administration, municipal administration, international relations, and American foreign policy. Particular emphasis is being placed on the opportunity to acquire a master's degree in political science or in economics with a special certificate in public administration.

Claremont College, School for Men, was incorporated separately in March of this year as Claremont Men's College—a part of the Associated Colleges at Claremont, including Pomona and Scripps. The new college is devoted to a liberal arts program, with special emphasis on business and public administration. Political scientists will be interested in knowing that Dr. Russell M. Story, former president of Claremont College, and longer a distinguished teacher of political science, worked out the plan for this college before his death in 1942. Political scientists on the faculty of

the new college include Professors George C. S. Benson and Gerald I. Jordan.

The Abraham Lincoln Association, First National Bank Building, Springfield, Illinois, solicits information concerning the present private ownership and location of any document composed by Abraham Lincoln, whether or not it has hitherto been published. Documents in public institutions are readily accessible, but many of those held by individuals have not been located to date. The preparation of a complete edition of Lincoln's writings from original sources will be greatly facilitated by information leading to procurement of photostatic copies of documents held by private individuals. Acknowledgment of assistance will be made upon publication.

The Cleveland Council on World Affairs is expanding its "internship" program of the past two years to an in-service training program. Through the cooperation of the Carnegie Corporation of New York, the Council will provide a year's training and experience for two trainees in the administration and operation of community education in world affairs. The training program will be complete in every detail, giving the trainee experience in all aspects of community organization with respect to adult education in world affairs. The purpose of the program is to provide thorough preparation for a professional career in this field. It is expected that after their period of training, the men will organize, develop, and administer similar projects elsewhere in the United States. Inquiries and applications should be addressed to Shepherd L. Witman, executive director, Council on World Affairs, 922 Society for Savings Building, Cleveland 14, Ohio.

The Carnegie Corporation of New York has granted \$250,000 for an experimental five-year program to develop four permanent university study centers on Latin America. The project will be carried out jointly by the University of North Carolina, the University of Texas, the Tulane University of Louisiana, and Vanderbilt University, with each institution concentrating on a definite geographical area. North Carolina will focus on area studies of Spanish South America, Texas will emphasize Mexico, Tulane will carry on a Middle American program, and Vanderbilt plans to establish an institute of South American studies, emphasizing Brazil. Designed to make available comprehensive knowledge of Latin America to students, teachers, business men, and government officials, the program will provide in each center a strengthened undergraduate curriculum, broader facilities for graduate work, and an expansion of library resources. For business men, missionaries, and other non-student groups, the University of North Carolina, as a part of its expansion plan, will experiment with

intensive language courses to be given by instructors from Latin America.

At the National Conference on UNESCO held in Philadelphia on March 24-26, 1947, a group of social scientists met under the chairmanship of Dr. Rensis Likert, of the Survey Research Center of the University of Michigan, to discuss the place of social research in UNESCO'S future plans. As a result of the meeting, formal recommendations were drawn up and submitted to the National Commission urging that group to make greater use of the tools which social science has to offer through three major activities: (1) research on projects concerned with social tensions leading to war; (2) international exchange of scientific findings, personnel, and suggestions; and (3) counseling on operational and action research in in order to make techniques and resources available for the planning and evaluation of proposed and active projects of the National Commission of UNESCO. The group strongly recommended that in addition to the Section on Social Tensions the following be established: (1) a Section on the Social Sciences, to function on the international exchange of publications, personnel, etc., similar to the manner in which the Section on the Natural Sciences is functioning, and (2) a committee of social scientists engaged primarily in human relations research to advise the National Commission on matters of action research and to assist in making research facilities available when requested for any part of the program of the National Commission of UNESCO. The panel was composed of Rensis Likert (*chairman*), Robert C. Angell, Jerome S. Bruner, Dorwin Cartwright, Richard D. Crutchfield, Wayne Dennis, Clyde Hart, David Krech, Alfred McC. Lee, H. Scudder Mekeel, Donald MacKinnon, and Goodwin Watson.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES¹

COMPILED BY DAVID FELLMAN

University of Wisconsin

POLITICAL PHILOSOPHY AND PSYCHOLOGY

William M. Barr; Litt.B., Rutgers, 1928; A.M., Columbia, 1936. The Philosophy of Woodrow Wilson. *Columbia*.

George Cochrane Bryan; A.B., Williams, 1942. Ideas of Leadership in American Political Thought. *Harvard*.

¹ Similar lists have been printed in the *Review* as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933); XXVIII, 766 (1934); XXIX, 713 (1935); XXX, 811 (1936); XXXI, 772 (1937); XXXII, 796 (1938); XXXIII, 732 (1939); XXXIV, 767 (1940); XXXV, 752 (1941); XXXVI, 734 (1942); XXXVII, 706 (1943); XXXVIII, 766 (1944); XXXIX, 779 (1945); XL, 775 (1946).

Items which appeared in the August, 1946, list are in general classified under the same headings in the present list, and new items have been assimilated to the 1946 classification as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only. Names starred are merely carried over from the 1946 list, no more recent data having been received.

The lists printed in the *Review* are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Check List of Current Researches in Public Administration Reported to the Committee on Public Administration, Social Science Research Council" (mimeographed, most recent edition, January, 1943); "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review*; "List of Doctoral Dissertations in History Now in Progress," formerly published by the Division of Historical Research, Carnegie Institution of Washington, but since the 1938 issue as a Supplement to the *American Historical Review*; and "Higher Degrees in Sociology," in the *American Journal of Sociology*. Usually one list is published each year. There are, in addition, the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Edward A. Henry's "Doctoral Dissertations Accepted by American Universities, 1945-1946," the thirteenth of a series beginning in 1933-1934, compiled for the Association of Research Libraries. Consult, for other lists, T. R. Palfrey and H. E. Coleman, Jr., "Guide to Bibliographies of Theses, United States and Canada" (Chicago, American Library Association, 2nd ed., 1940).

It may be of interest to note that whereas the 1946 list had 289 names, the number of items in this year's compilation is 359.

- Samuel I. Clark*; A.B., Chicago, 1943. The Political Theory of Don Luigi Sturzo. *Chicago*.
- Raymond Francis Cour*, C.S.C.; A.B., Notre Dame, 1937; A.M., *ibid.*, 1943. Catholic Action and Politics. *Notre Dame*.
- Charles Sebastian La Cugna*; A.B., Manhattan College, 1937; A.M., Fordham, 1944. The Political Thought of Don Luigi Sturzo. *Notre Dame*.
- Richard Eugene Curl*; A.B., Ohio State, 1939; A.M., *ibid.*, 1940. The Impact of War on Government Publicity. *Princeton*.
- Howard E. Dean*; A.B., U.C.L.A., 1939. A Critique of the Political Philosophy of Walter Lippmann. *Columbia*.
- Alfred DeGrazia*; A.B., Chicago, 1939. American Ideas on Representation. *Chicago*.
- Sebastian DeGrazia*; A.B., Chicago, 1939. Anomia: Some Applications to the American Technological Culture. *Chicago*.
- Susan H. Devine*; A.B., Kansas City, 1938; A.M., *ibid.*, 1940. The Political and Social Philosophy of Herbert Hoover. *Pennsylvania*.
- Karl Wolfgang Deutsch*; Dr. of Law and Political Science, Prague, 1938; A.M., Harvard, 1941. The Economic Factor in Nationalism: A Technique of Enquiry Applied to Some Successors of Central Europe. *Harvard*.
- Cletus Francis Dirksen*, C.P.P.S.; A.B., St. Joseph's College, Collegeville, Indiana, 1926; A.M., Catholic University, 1941. Church and State According to Richard Hooker. *Notre Dame*.
- Thelma A. Dreis*; B.S., Minnesota, 1923; A.M., *ibid.*, 1930. A Study of the Public Opinion Poll as an Instrument in Administration, with Special Reference to Food and Nutrition Polls. *American*.
- Leslie W. Dunbar*; A.M., Cornell, 1946. The Political Theory of T. H. Green. *Cornell*.
- Emily L. Ehle*; A.B., Smith, 1934; A.M., Pennsylvania, 1939. The Analysis of Leadership Opinion: An Evaluation. *Pennsylvania*.
- Dominic Elder*, C.S.C.; A.B., Notre Dame, 1936; A.M., *ibid.*, 1942. Thomas Paine and his Philosophy of the Common Man. *Notre Dame*.
- Samuel Fox*; Ph.B., Chicago, 1924. Majority Rule and Minority Representation as Provided by the Electoral System of the Limited Vote. *Notre Dame*.
- Robert O. Gibbon*; A.B., Kansas, 1943; A.M., *ibid.*, 1945. The Relation of the State to the Economic Order in Greek and Roman Political Thought; A Study of Greek and Roman Political Thinkers. *Minnesota*.
- Frank Grace*; A.B., Vanderbilt, 1939; A.M., Louisiana, 1940. The Concept of Property in Modern Christian Thought. *Illinois*.
- Alan Pendleton Grimes*; A.B., North Carolina, 1941; A.M., *ibid.*, 1946. The *Nation* Magazine: A Case Study in the Development of American Political Liberalism. *North Carolina*.
- Norman B. Hannah*; A.B., Illinois, 1941; A.M., Louisiana State, 1943. The Purpose of the State in Greek Political Theory. *Minnesota*.
- Martin Joseph Hillenbrand*; A.B., Dayton, 1937; A.M., Columbia, 1938. An Analysis of the Concept of Obligation. *Columbia*.
- Max M. Kampelman*; A.B., N.Y.U., 1940; LL.B., *ibid.*, 1945; A.M., Minnesota, 1946. The Political Philosophy of the C.I.O. *Minnesota*.
- Cecilia Marie Kenyon*; A.B., Oberlin, 1943; A.M., Radcliffe, 1945. Human Nature in American Political Thought. *Radcliffe*.
- Mary H. Kirsten*; A.B., Wisconsin, 1935. The Syndicated Commentators. *Chicago*.
- Maurice J. Klain*; A.B., University of Omaha, 1940; A.M., Oberlin, 1941. The Small

- Property Owner as the Basis of a Free Society: Recent Exponents of a Jeffersonian Tradition. *Yale*.
- Bernard Kronick; A.B., California, 1937. Political Ideas of Winston Churchill. *California*.
- George A. Lanyi; B.Sc., University of London, 1937; A.M., Harvard, 1940. The Nationalism of Oliver Cromwell. *Harvard*.
- Charles J. Lavery; A.B., University of Toronto, 1937; A.M., *ibid.*, 1940. St. Thomas on the Politics of Aristotle. *Chicago*.
- George A. Lipsky; A.B., Washington (Seattle), 1938. The Political Values of John Quincy Adams. *California*.
- H. Rowland Ludden; A.B., Colgate, 1943; A.M., Princeton, 1945. Informational Activities of the Department of State: Historical Development and Present Organization and Operations. *Princeton*.
- Martin Michael McLaughlin; A.B., University of Portland, 1938; A.M., Notre Dame, 1941. Political Processes in American Student Activities. *Notre Dame*.
- Thomas Francis Maher; A.B., St. Joseph's Seminary, Yonkers, 1936; A.M., Notre Dame, 1942. Population and Politics: The Political Aspects of Birth Control. *Notre Dame*.
- Milton R. Merrill; B.S., Utah State College, 1925; A.M., Columbia, 1932. The Public Career of Reed Smoot. *Columbia*.
- G. Theodore Mitau; A.B., Macalaster College, 1940; A.M., Minnesota, 1942. The Political Ideology of James Bryce and its Influence on American Political Science. *Minnesota*.
- Ilsa Eichelgrun Nelson; B.S., Anderson College, 1942; A.M., Butler, 1943. The Practical Aspects of Max Weber's Political Philosophy: Max Weber's Attitude toward the Political Problems of Germany, 1885-1921. *Chicago*.
- Charles R. Nixon; A.B., Oberlin, 1939. The Concept of Civil Liberty: Its Meaning and Development in the United States. *Cornell*.
- Simon Noveck; A.B., Yeshiva College, 1936. History of the Democratic Idea in America, 1765-1801. *Columbia*.
- George A. Peek; A.B., Virginia, 1940; A.M., *ibid.*, 1941. The Political Philosophy of John Adams. *Virginia*.
- William Broderick Pendergast; A.B., Notre Dame, 1937; A.M., *ibid.*, 1938; Licence en Sciences Politiques et Sociales, Louvain (Belgium), 1939. American Ideas on the Limits of the Authority of Government. *Chicago*.
- Ithiel DeSola Pool; A.B., Chicago, 1938; A.M., *ibid.*, 1939. Economic Conditions of Political Freedom. *Chicago*.
- Leonard D. Quinlan; A.B., University of Toronto, 1940; A.M., *ibid.*, 1942. Political Philosophy of Suarez. *Chicago*.
- Marcos A. Ramirez; A.B., University of Puerto Rico, 1940; LL.B., *ibid.*, 1942; LL.M., Harvard, 1943; A.M., *ibid.*, 1945. Democracy and Revolution. *Harvard*.
- Austin Ranney; B.S., Northwestern, 1941; A.M., Oregon, 1942. Political Parties in the American System: Theories of their Function. *Yale*.
- Charles E. Rogers; A.B., Oklahoma, 1914; M.S., Kansas State College, 1926; A.M., Stanford, 1932. An Examination of the Political Attitudes of the *Kansas City Star*, 1880-1915. *Minnesota*.
- Bruno Paul Schlesinger; Absolutarium in Law, Vienna, 1937. Christopher Dawson on the Modern Political Crisis. *Notre Dame*.
- Willis Harlow Shapley; A.B., Chicago, 1938. General Theory of Planning. *Chicago*.
- Alexander Smetana; B.S., Lafayette, 1936; A.M., Catholic University, 1941. A

- Comparative Analysis of the Best Form of Government According to Aristotle, Cicero, Aquinas, and Locke. *Catholic University*.
- Charles Lewis Smith; B.S., George Peabody College, 1927; A.M., Vanderbilt, 1930. Civil-Military Relations. *Chicago*.
- David Spitz; B.S.S., C.C.N.Y., 1937; A.M., Columbia, 1939. American Anti-Democratic Thought, 1915-1945. *Columbia*.
- Robert L. Stern; A.B., New York State College for Teachers, 1935. Study of Predictions of Newspaper Columnists in the Newspapers of 1934. *Syracuse*.
- Joseph Teplin; Ph.B., Chicago, 1934. Administrative Theories of Theodore Roosevelt. *Chicago*.
- Harry C. Thomson; A.B., Allegheny, 1933; A.M., Harvard, 1934. The American Doctrine of the Separation of Powers. *Harvard*.
- Paul G. Willis; A.B., Marshall College, 1937; A.M., Louisiana State, 1939. Political Libel in the United States. *Indiana*.
- Hubert H. Wilson; B.S., Springfield College, 1933; A.M., Clark, 1939. Standards of Public Representatives. *Wisconsin*.

GOVERNMENT AND POLITICS OF THE UNITED STATES AND ITS DEPENDENCIES

- Roger S. Abbott; A.B., College of the Pacific, 1938; A.M., California, 1939. The Investigation and Suppression of Subversive Activity by the Federal Government Since 1930. *California*.
- Stephen Kemp Bailey; A.B., Hiram College, 1937; A.B., Oxon., 1939; A.M., Harvard, 1943; A.M., Oxon., 1946. S. 380—A Study in the Politics of Full Employment. *Harvard*.
- Benjamin Baker; B.S., C.C.N.Y., 1935; A.M., Columbia, 1940. Food Controls in World War II. *Columbia*.
- Roscoe Baker; A.B., Berea College, 1929; A.M., Ohio State, 1933. The Foreign Policy of the American Legion. *Northwestern*.
- Arthur H. Benedict; A.B., Marietta, 1934; A.M., Syracuse, 1935. Federal Centralization since 1933. *Ohio State*.
- Hillman M. Bishop; A.B., Columbia, 1926. Rhode Island and the Federal Constitution. *Columbia*.
- James MacGregor Burns; A.B., Williams, 1939; A.M., Harvard, 1947. Congress and the Formation of Economic Policies; Six Case Studies. *Harvard*.
- Edward M. Caine; B.B.A., City College of New York, 1940; M.P.A., New York University, 1947. The Civil Aeronautics Board. *N.Y.U.*
- Dorothy C. Carmack; A.B., Southern California, 1943; A.M., Northwestern, 1946. A Decade of the CIO in National Politics, 1936-1946. *Johns Hopkins*.
- Robert Burns Dishman; A.B., Missouri, 1939; A.M., *ibid.*, 1940. The President and Public Interest in Labor Disputes. *Princeton*.
- Marvin Downey; A.B., Virginia, 1931; A.M., *ibid.*, 1934. The Committee on Rules of the U. S. House of Representatives. *Chicago*.
- Robert E. Elder; A.B., Indiana State Teachers College, 1936; A.M., Chicago, 1937. History of Demobilization of the United States Navy Women's Reserve, 1945-46. *Chicago*.
- Robert Engler; B.S.S., C.C.N.Y., 1942; A.M., Wisconsin, 1946. Some Problems of Military Government in the Rehabilitation of a German City. *Wisconsin*.
- David Gregg Farrelly; B.S., Springfield College, 1937; A.M., Pittsburgh, 1940. The Senate Judiciary Committee. *Princeton*.

- LeRoy Craig Ferguson*; A.B., Miami, 1937; A.M., Ohio State, 1939. The Quakers in American Politics. *Ohio State*.
- Raymond H. Gusteson*; A.B., Morningside College, 1942; A.M., Syracuse, 1945. Violence in Labor Disputes. *Syracuse*.
- John D. Hall*; A.B., Union, 1936; A.M., Syracuse, 1938. The Administration of U. S. Territories and Island Possessions. *Syracuse*.
- Marston Headley*; A.B., Carleton College, 1938; A.M., Harvard, 1940. The Role of the States in the Administration of a National System of Public Employment Offices. *Harvard*.
- Donald C. Herzberg*; A.B., Connecticut Wesleyan, 1946. Removal of Public Officers. *Syracuse*.
- Jack E. Holmes*; A.B., Wyoming, 1939; A.M., *ibid.*, 1945. Politics of National Farmers Union. *Chicago*.
- Schuyler Dean Hoslett*; A.B., Park College, 1940; A.M., Ohio State, 1942; M.P.A., Harvard, 1946. Employee Relations in Government and Industry. *Ohio State*.
- Burke Inlow*; A.B., State College of Washington, 1937; A.M., California, 1940. The Patent Grant—The Evolution of a Property Right. *Johns Hopkins*.
- Richard B. Johnson*; A.B., Lehigh, 1941; A.M., Pennsylvania, 1942. Governmental Seizure as a Solution for Labor Disputes in Basic Industries. *Pennsylvania*.
- Merle Kling*; A.B., Washington, 1940; A.M., *ibid.*, 1941. Missouri's Attitude on Foreign Policies as Expressed by her Congressmen. *Washington* (St. Louis).
- Daniel S. McHargue*; A.B., U.C.L.A., 1938; A.M., *ibid.*, 1941. Factors and Influences Affecting Appointments to the U. S. Supreme Court. *U.C.L.A.*
- Jerome Machin*; B.S.S., C.C.N.Y., 1935. A Study in Protest Politics. *Syracuse*.
- Edwin M. Martin*; A.B., Northwestern, 1929. Politico-Economic Phases of the Allied Occupation of Japan. *Northwestern*.
- Robert Earl Martin*; A.B., Howard, 1936; A.M., *ibid.*, 1938. Negro-White Participation in the A.A.A. Cotton Referendum in North Carolina, Virginia, and South Carolina. *Chicago*.
- William Alexander Mitchell*; B.S., Clemson Agricultural College, 1938; A.M., North Carolina, 1940; A.M., Princeton, 1942. An Analysis of Certain Aspects of the Role of Government in Education. *Princeton*.
- Rita Weber Nealon*; A.B., Hunter College, 1940; A.M., N.Y.U., 1946. The Contribution of the Attorney-General to the Development of a Strong Executive. *New York University*.
- Wallace J. Parks*; A.B., Williams, 1932; LL.B., George Washington, 1937. Federal Import Control. *Columbia*.
- A. Edward Patmos*; A.B., N.Y.U., 1935; A.M., *ibid.*, 1936. Some Recent Attempts of Non-Political Organizations to Influence Federal Legislation. *New York University*.
- Jack Walter Pellason*; A.B., Missouri, 1943; A.M., *ibid.*, 1944; A.M., Princeton, 1946. Civil-Military Relations in the Handling of the War Production Program, 1944-1945. *Princeton*.
- Louis A. Radelet*; A.B., Notre Dame, 1939. The Presidency and the Crisis; Powers of the Office from Pearl Harbor to V-J Day. *Notre Dame*.
- Norman Franklin Reber*; A.B., Elizabethtown College, 1930; A.M., Pennsylvania, 1935. Federal Measures to Control Agricultural Production, 1933-1940; A Critical Study of a National Policy. *Pennsylvania*.
- Fred W. Riggs*; A.B., Illinois, 1938; A.M., Tufts (Fletcher School), 1941. Influence of Pressure Groups on Chinese Exclusion and its Repeal. *Columbia*.
- William H. Riker*; A.B., DePauw, 1942. The CIO in Politics, 1936-46. *Harvard*.

- Richard L. Seggel*; A.B., Princeton, 1936; A.M., *ibid.*, 1938. Government and the Veteran. *Princeton*.
- Ruth Cardad Silva*; A.B., Michigan, 1943; A.M., *ibid.*, 1943. Presidential Succession. *Michigan*.
- Samuel R. Solomon*; A.B., Syracuse, 1930; A.M., *ibid.*, 1931. Uses of Executive Veto Power. *Syracuse*.
- Julius Turner*; A.B., Colgate, 1943. Determinants of Voting Behavior in Legislative Bodies. *Johns Hopkins*.
- Russell G. Whitesel*; A.B., Minnesota, 1939; A.M., *ibid.*, 1940. The Power of Congress to Remove Federal Officers. *Cornell*.
- Violet Elizabeth Wurfel*; A.B., Pomona, 1928; A.M., Virginia, 1945. American Implementation of Philippine Independence (1946-1947): A Case Study in the Granting of Colonial Independence. *Virginia*.
- Charles Young*; B.S., Brooklyn, 1934. The Rider Method of Legislation. *New York University*.
- Raymond W. Young*; A.B., New Jersey State Teachers College at Montclair, 1945; A.M., New Jersey State University, New Brunswick, 1946. Norman Thomas: A Study in Political Leadership. *Johns Hopkins*.

CONSTITUTIONAL AND ADMINISTRATIVE LAW IN THE UNITED STATES

- Paul Beckett*; A.B., Monmouth College, 1935; A.M., Illinois, 1938. Judicial Review of Statutes in California, 1880-1910. *U.C.L.A.*
- H. Paul Castleberry*; A.B., Texas Technological College, 1941; A.M., *ibid.*, 1942. Legal and Political Questions in the Jurisprudence of the United States Supreme Court. *Chicago*.
- Harold P. Christensen*; A.B., Iowa, 1939; A.M., *ibid.*, 1940. The National War Labor Board: Its Jurisdiction and Non-Wage Policies. *Iowa*.
- Robert Fairchild Cushman*; A.B., Cornell, 1940. Religious Liberty and Equality in American Constitutional Law. *Cornell*.
- Frederyc R. Darby*; A.B., Occidental College, 1934; A.M., *ibid.*, 1935. Welfare Clause of the Constitution. *California*.
- Paul Dolan*; A.B., Pennsylvania, 1933; A.M., *ibid.*, 1936. Law-Making in State Regulating Agencies in Delaware. *Johns Hopkins*.
- Delavan P. Evans*; A.B., Occidental, 1933. The Use of the Concept of Inherent Powers by the Supreme Court of the United States. *California*.
- G. James Fleming*; A.B., Wisconsin, 1931; A.M., Pennsylvania, 1944. Administrative Adjudication, with Special Reference to Fair Employment Practices. *Pennsylvania*.
- Walter Gouch*; A.B., St. Paul's College, 1936; A.M., Catholic University, 1944. Judicial Philosophy and Decisions of Justice Cardozo. *Johns Hopkins*.
- Howard Devon Hamilton*; B.S., Purdue, 1942. Legislative and Judicial History of the Thirteenth Amendment. *Illinois*.
- Francis H. Heller*; J.U.C., Vienna; LL.B., Virginia, 1941. The Supreme Court and Treaties. *Virginia*.
- Samuel Hendel*; LL.B., Brooklyn Law School, 1930; B.S.S., C.C.N.Y., 1936. Constitutional Doctrines of Charles Evans Hughes. *Columbia*.
- Charles Sebastian James, Jr.*; A.B., Furman University, 1937; A.M., Mercer University, 1939. The Proposed Twenty-Second Amendment to the Constitution: Background and Development of the Movement to Limit the Presidential Term. *North Carolina*.

- Robert C. Kennedy*; A.B., Baldwin-Wallace, 1934. The Development of Labor Legislation in the Eightieth Congress (First Session). *American*.
- William L. LaRue*; A.B., Northwestern, 1933. Patents and Copyrights in American Public Law. *Princeton*.
- Roy Miller*; A.B., Hamline, 1927; A.M., Minnesota, 1928. Municipal Civil Service Law in Minnesota. *Minnesota*.
- Lloyd D. Musolf*; A.B., Huron College, 1941; A.M., South Dakota, 1946. The Federal Administrative Procedure Act of 1946. *Johns Hopkins*.
- Edward E. Palmer*; A.B., Middlebury, 1939. Third Degree Practices and Administration of Justice. *Syracuse*.
- J. Francis Paschal*; A.B., Wake-Forest, 1935; LL.B., *ibid.*, 1938. Mr. Justice Sutherland. *Princeton*.
- William Russell Pullen*; A.B., North Carolina, 1942; B.S., in L.S., *ibid.*, 1947. Applications for a National Convention for Amending the Constitution of the United States. *North Carolina*.
- Samuel F. Thomas*; A.B., Columbia, 1944; M.S., Syracuse, 1946. Licensing Processes and the Police Power. *Syracuse*.
- Mitchell Wendell*; A.B., Brooklyn College, 1943; LL.B., Columbia, 1945. The Relation Between the Federal and State Courts. *Columbia*.
- Charlotte Williams*; A.B., Vanderbilt, 1938; A.M., *ibid.*, 1939. Mr. Justice Black and the Judicial Process. *Johns Hopkins*.

AMERICAN STATE AND LOCAL GOVERNMENT AND POLITICS

- Emmett George Asseff*; A.B., Louisiana State, 1939; A.M., *ibid.*, 1940. Ten Case Studies of County Government in the United States; The Structure, Organization, and Practice in a Typical County in Selected States. *North Carolina*.
- Jesse H. Bankston*; A.B., Louisiana State, 1933; A.M., *ibid.*, 1936. Administrative Reorganization in Louisiana. *North Carolina*.
- Bernard L. Barnard*; A.B., Kansas, 1928; A.M., *ibid.*, 1932. Bicameralism in Kansas. *American*.
- Walter Thompson Bogart*; A.B., U.C.L.A., 1930; A.M. Stanford, 1931. Glebes as a Factor in the Public Revenues of Vermont. *Stanford*.
- Robert Hughes Brisbane*; A.B., St. Johns College, 1939. Race and Politics in New York City, 1920-1944. *Harvard*.
- Eugene C. Brownson*; A.B., Washington, 1938; A.M., *ibid.*, 1940. The Administration of County Functions in the City of St. Louis. *Washington* (St. Louis).
- Gordon K. Bryan*; A.B., Texas, 1929; A.M., *ibid.*, 1930. County Government and Administration in Mississippi. *U.C.L.A.*
- Judah Cahn*; B.S., N.Y.U.; A.M., Columbia, 1942. Relationship of Church and New York State. *Columbia*.
- Alfred Haines Cope*; A.B., Earlham College, 1934. The Administration of Civil Service in Cities of the Third Class in Pennsylvania. *Pennsylvania*.
- Carl E. DeVane*; A.B., Shaw University, 1936; A.M., Atlanta University, 1937. An Inquiry into the Fundamentals of Executive Budgeting, with Special Emphasis on the City of Philadelphia. *Pennsylvania*.
- Rowland E. Dietz*; A.B., Swarthmore, 1942; A.M., Columbia, 1946. Civic Reform Movement in Cincinnati. *Columbia*.
- J. Kirk Eads*; A.B., Columbia, 1936; A.M., *ibid.*, 1937. Theory and Practice of State Control over the Local Unit. *Indiana*.
- Charles D. Farris*; B.S., Florida, 1936; A.M., *ibid.*, 1941. Politics in a Southern Urban Community. *Chicago*.

- Emery Fast*; A.B., Colorado, 1927; A.M., *ibid.*, 1929. A History of the California Criminal Syndicalism Law. *Stanford*.
- Robert L. Rischer*; A.B., Stanford, 1931; A.M., *ibid.*, 1933. The American Labor Party of New York State, 1936-1942. *Columbia*.
- Mona Fletcher*; B.S. in Ed., Kent State University, 1921; A.M., Chicago, 1924. Bicameralism in Ohio. *Ohio State*.
- Earl T. Hanson*; B. Ed., Southern Illinois State Normal University, 1932; A.M., Illinois, 1937. Urban Redevelopment in the United States. *Illinois*.
- Ivan Hinderaker*; A.B., St. Olaf College, 1938; A.M., Minnesota, 1942. Harold Stassen and Recent Developments in the Republican Party in Minnesota. *Minnesota*.
- Herman Lionel Horn*; A.B., Bridgewater College, 1924; A.M., Duke, 1936. The Development of the Democratic Party in Virginia since 1900. *Duke*.
- John Paul Jones*; B.A.J., Florida, 1937; A.M., Wisconsin, 1939. History of the Republican Party in Illinois since 1912. *Illinois*.
- Harvey M. Karlen*; A.B., Chicago, 1939. Wage Determination in Chicago. *Chicago*.
- Louis E. Lambert*; A.B., Iowa, 1932; A.M., *ibid.*, 1936. Indiana State Board of Accounts. *Indiana*.
- Gayle K. Lawrence*; A.B., Temple, 1941; M.B.A., Pennsylvania, 1943. The Effect of Governmental Authorities on the Position of the American Municipality with Special Reference to Pennsylvania. *Pennsylvania*.
- David Lazar*; B.S., N.Y.U., 1931; A.M., *ibid.*, 1936. The Suffrage in New York State. *New York University*.
- Eleanor Tabor Linenthal*; A.B., Radcliffe, 1943. Freedom of Speech and Press in the State of New York since 1900. *Cornell*.
- Bernhard O. J. Linnevold*; Luther College, 1930; A.M., Colorado, 1931. Cheese and Politics. *Wisconsin*.
- Hugo V. Maiale*; B.S., Westchester State Teachers, 1937; A.M., Pennsylvania, 1939. The Italian-Americans: A Political Pressure Group in Philadelphia. *Pennsylvania*.
- Lois Bannister Merk*; A.B., Smith, 1924; A.M., Clark, 1927. Massachusetts in the Woman's Rights Movement. *Radcliffe*.
- John Hobart Millett*; A.B., Beloit, 1940; A.M., Cincinnati, 1942. Unionization in Municipal Governments in the United States with Special Reference to Illinois. *Illinois*.
- Arthur Naftalin*; A.B., Minnesota, 1939; A.M., *ibid.*, 1942. History of the Farmer-Labor Party in Minnesota. *Minnesota*.
- William F. Nowlin*; A.B., Howard, 1919; A.M., Ohio State, 1930. Legislative Investigating Committees in Ohio, 1919-1934. *Ohio State*.
- Ira Polley*; A.B., Indiana, 1938. The Politics and Administration of State Labor Relations Acts. *Minnesota*.
- Joseph Wright Reid, Jr.*; A.B., Louisiana State, 1938; A.M., *ibid.*, 1939. Intergovernmental Relations in Alabama. *North Carolina*.
- John Otto Reinemann*; J.D., University of Frankfurt-on-Main, 1926. The Functions and the Structure of a Proposed State Department of Corrections for Pennsylvania, as Compared with Existing State Departments of Corrections in Other States of the Union. *Pennsylvania*.
- Miriam Roher*; A.B., Barnard, 1936; A.M., Northwestern, 1937. Public Relations Reporting by City Governments; Nature and Effectiveness. *California*.
- Edwin Rothman*; A.B., Minnesota, 1938; A.M., Wisconsin, 1939. Factional Machine Politics; Wm. Curran and the Baltimore City Democratic Party, 1928-1946. *Johns Hopkins*.

- Gustave Ralph Serino*; A.B., Harvard, 1939; A.M., *ibid.*, 1946. The Effect of Italian Immigration on Politics of the City of Boston: 1900-1935. *Harvard*.
- Norman L. Stamps*; A.B., University of Kansas City, 1941; A.M., *ibid.*, 1942. Political Parties in Connecticut, 1739-1832. *Yale*.
- Paul Dekkar Stewart*; A.B., Hope College, 1938; A.M., Duke, 1940. The Impeachment of Governors. *Duke*.
- Israel Stiefel*; A.B., Pennsylvania, 1925; LL.B., *ibid.*, 1928; A.M., *ibid.*, 1932. Industrial Changes and Taxation Problems in Pennsylvania. *Pennsylvania*.
- Max W. Turner*; B. Ed., Eastern Illinois State Teachers College, 1940; A.M., Iowa, 1941. State Regulation of the Motion Picture Industry. *Iowa*.
- Anson Eugene Van Eaton*; B.S., Northeast Missouri Teachers College, 1925; A.M., Missouri, 1930. The Initiative and Referendum in Missouri. *Missouri*.
- John Robert Verby*; B.S. Ed., Northeast Missouri State Teachers College, 1928; A.M., Missouri, 1932. Legislative History of the Administrative County Offices in Missouri. *Washington* (St. Louis).
- Ellsworth E. Weaver*; B.S., Utah, 1937; M.S., *ibid.*, 1938. State Supervision of Municipal Administration in Utah Cities of the First and Second Classes. *New York University*.
- Lawrence H. Wendrich*; A.B., Newark, 1937; A.M., N.Y.U., 1939. Policy Determination in Kokomo, Indiana. *Indiana*.
- Robert Martin Young*; A.B., Washington, 1930; A.M., *ibid.*, 1932. The Office of Governor in Missouri. *Washington* (St. Louis).
- Frederick L. Zimmermann*; A.B., Columbia, 1928; A.M., *ibid.*, 1929. The Council of State Governments. *Columbia*.
- Maurice William Zucker*; A.B., Johns Hopkins, 1938; A.M., Harvard, 1940. Executive Control Over the New York City Expense Budget. *Harvard*.

PUBLIC ADMINISTRATION IN THE UNITED STATES

- Robert W. Anderson*; A.B., Cornell, 1935; A.M., *ibid.*, 1938. Intergovernmental Relationships in Federal Relief Administration. *Princeton*.
- Dana Mills Barbour*; A.B., Washington, 1929; A.M., *ibid.*, 1930. Centralization in Federal Procurement. *Stanford*.
- Eugenie K. Bigelow*; A.B., Barnard, 1934; A.M., Columbia, 1937. The Use of Advisory Boards in the Administration of the U. S. Government. *Pennsylvania*.
- John C. Bollens*; A.B., Wooster, 1942. San Francisco Bay Metropolitan Government. *Wisconsin*.
- John E. Brigante*; A.B., University of Buffalo, 1944; A.M., Princeton, 1946. The Planning Committee of the War Production Board. *Princeton*.
- Milon Louis Brown*; B.S., Penn State, 1914; A.M., *ibid.*, 1926. Personnel Policies and Practices in Federal Administration: A Critique of Personnel Management in Selected Federal Agencies. *Pennsylvania*.
- Frederic Bundy*; A.B. and B.S. in Ed., Kent State University, Ohio, 1935; A.M., Ohio State, 1938. Fact-Finding Processes in the Department of Agriculture. *Syracuse*.
- Howard A. Calkins*; A.B., Ohio Wesleyan, 1927; A.M., Wisconsin, 1928. A Survey of Personnel Practices in Selected Texas Administrative Agencies. *Wisconsin*.
- William D. Carey*; A.B., Columbia, 1940; A.M., *ibid.*, 1941. Decentralization in National Administration. *Columbia*.
- Comer Clay*; A.B., Abilene Christian, 1931; A.M., Texas, 1937. The Lower Colorado River Authority. *Texas*.
- Edwin Cling*; B.S., Northwestern, 1945; A.M., *ibid.*, 1946. Illinois State Department of Labor: Its Administration and Effect. *Northwestern*.

- Jonathan Ray Cunningham*; A.B., New Mexico State College, 1936; A.M., University of New Mexico, 1940. The Administrative Ideas and Career of Charles Evans Hughes. *Chicago*.
- Emmett Davidson*; A.B., Emporia, 1923; A.M., Arkansas, 1930. Public Regulation of Labor Union Practices. *Missouri*.
- John Aubrey Davis*; A.B., Williams, 1933; A.M., Wisconsin, 1934. Regional Administration under the Social Security Board, with Special Reference to the Problem of Administrative Decentralization of the Bureau of Old Age and Survivors Insurance. *Columbia*.
- James R. Donoghue*; A.B., Pittsburgh, 1938; A.M., *ibid.*, 1940. Judicial Participation in Local Administration in Pennsylvania. *U.C.L.A.*
- Thomas Lewis Driscoll*; B. of Ed., State Teachers College, 1935; A.M., Iowa, 1939. Rule-Making Authority of Administrative Agencies in Iowa. *Iowa*.
- James W. Drury*; A.B., Illinois, 1939; A.M., *ibid.*, 1940. The Separation of Federal Employees—1937–1947. *Princeton*.
- J. Murray Edelman*; A.B., Bucknell, 1941; A.M., Chicago, 1942. The Licensing of Broadcasting and Special Radio Services in the United States; A Study in Administrative Formulation of Policy. *Illinois*.
- Ralph Fjelstad*; A.B., Concordia, 1937. The Relation of Congress to the Civil Service. *Northwestern*.
- Robert Y. Fluno*; A.B., Rollins College, 1938. Regional Coördination of Federal Field Agencies. *Minnesota*.
- Guy Fox*; A.B., Texas Christian, 1938; A.M., Southern Methodist, 1940. Regulation of Banking by the Comptroller of the Currency. *Texas*.
- Theodore H. Friedenberg*; A.B., Pennsylvania, 1935; M.B.A., Pennsylvania, 1930. The Administration of the OPA Rent Control Program. *Pennsylvania*.
- Daniel Grant*; A.B., Ouachita College, 1945; A.M., Alabama, 1946. The Sales Tax in the South. *Northwestern*.
- Clifford R. Gross*; A.B., South Dakota, 1937; A.M., *ibid.*, 1938; M.P.A., Syracuse, 1946. The Budgetary Administration of the Bureau of Old Age and Survivors Insurance. *Syracuse*.
- Lowell H. Hattery*; A.B., Ohio University, 1936. Federal Government Management of Social Science Research. *American*.
- Rolf N. B. Haugen*; A.B., Minnesota, 1937; A.M., Harvard, 1943. The Role of Communication in Administration. *Harvard*.
- Kathryn G. Heath*; A.B., American University, 1931; A.M., Syracuse, 1936. Basic Standards and Status in Employee Counseling. *American*.
- J. Clare Heinlein*; A.B., Grinnell, 1934; LL.B., Kansas City School of Law, 1938. The Administrative Theory and Practice of Albert Gallatin. *Chicago*.
- David Horton*; A.B., Washington, 1935; A.M., *ibid.*, 1936. The United States Import Program in the Second World War. *Harvard*.
- John T. Kitos*; A.B., Syracuse, 1937. The Administration of the Federal Hospital Survey and Construction Act. *Syracuse*.
- Morris Klapper*; B.S., Oregon, 1941; M.S., Columbia, 1943. Lags of Coördination in Expanding Role of Federal Health Administration. *Columbia*.
- Grace M. Kneedler*; A.B., California, 1936. The Role of the Social Security Board in the Determination of Policy under the Social Security Act of 1935 and Its Amendments. *California*.
- Jacob Kossman*; A.B., Pennsylvania, 1930; A.M., *ibid.*, 1943; LL.B., Temple, 1935. The Law of Radio Broadcasting and the Administration Thereof by the Federal Communications Commission. *Pennsylvania*.

- Brinley J. Lewis*; A.B., Colorado, 1942; M.S., Syracuse, 1947. Decentralization in Public Personnel Administration. *Syracuse*.
- Fordyce Luikart*; A.B., Ohio Wesleyan, 1933. Historical Evolution of Removal Authority and Practices in the Federal Service. *Syracuse*.
- Donal E. J. MacNamara*; B.S., Columbia, 1939; M.P.A., N.Y.U., 1946. The Administrative Organization and Operation of Provost Marshal General Activities in World War II. *Columbia*.
- Robert Arnold McGrath*; A.B., Fort Hays Kansas State College, 1938; A.M., Iowa, 1939. Home Owners' Loan Corporation—A Study in Public Administration. *Iowa*.
- Raymond F. Male*; A.B., Union College, 1941. Principles and Techniques in the Classification and Compensation of Public Personnel. *Princeton*.
- Milton M. Mandell*; B.S., N.Y.U., 1933. Departmental Personnel Offices in Federal Government. *Chicago*.
- **Helen S. Marts*; A.B., Pennsylvania, 1938; M.S.W., Pennsylvania School of Social Work, 1939. The Use of County Boards in the Administration of Public Assistance. (A Case Study of County Board Administration of Assistance in Pennsylvania.) *Bryn Mawr*.
- Evelyn Armisted Maurer*; A.B., Northwestern, 1927; A.M., *ibid.*, 1928. Governmental Regulation of the Interstate Distribution of Public Utility Products. *Northwestern*.
- Robert Mowitz*; A.B., Syracuse, 1941. Development and Uses of Summary Power in New York State. *Syracuse*.
- Ellen Sorge Parks*; A.B., Wisconsin, 1937. The Representative Advisory Committee as a Governing Device: Case Studies of Selected Advisory Committees of the U. S. Department of Agriculture. *Wisconsin*.
- William Robert Parks*; A.B., Berea College, 1937; A.M., Wisconsin, 1938. The Soil Conservation District. *Wisconsin*.
- W. Scott Payne*; A.B., Colorado, 1939; A.M., *ibid.*, 1941. Development of Legal Doctrines Governing Liability of Administrative Officers for Illegal Acts in New York State. *Syracuse*.
- Frank Piskor*; A.B., Middlebury, 1937. Administrative Relationships of the New York State Civil Service Commission to Local Governmental Agencies. *Syracuse*.
- Leo C. Quinn*; A.B., N.Y.U., 1930; A.M., *ibid.*, 1937. The Real Estate Bureau of the Board of Estimate of the City of New York; An Administrative Analysis of Its Role in the Control of the City's Real Property. *New York University*.
- Allan Rent Richards*; A.B., University of Colorado, 1939; A.M., *ibid.*, 1941. Field Administration of National Labor Regulatory Agencies, with Special Reference to the National War Labor Board. *North Carolina*.
- Harold H. Roth*; A.B., C.C.N.Y., 1931; A.M., Columbia, 1939. The Executive Office of the President: Its Development as an Administrative Instrument. *American*.
- Mary S. Schinagel*; A.B., College of Chestnut Hill, 1941; A.M., Pennsylvania, 1946. The Efficiency Rating System of the Federal Civil Service. *Pennsylvania*.
- Lloyd William Schram*; A.B., University of Washington, 1934; LL.B., *ibid.*, 1937; LL.M., Harvard, 1938. The Relation between Non-Farm Lands and the Primary Canals within the Columbia Basin Project Area—Problem No. 12, Columbia Basin Joint Investigations. *Washington* (Seattle).
- Sarah Virginia Scott*; A.B., Georgia, 1944; A.M., Alabama, 1945. State Administrative Reporting. *Northwestern*.
- Lester G. Seligman*; A.B., Chicago, 1939. Citizen Participation in the Administrative Process. *Chicago*.

- Florence Wiener Siegel*; A.B., N.Y.U., 1944. The Development through Judicial Interpretation of the Constitutional Merit System in the State of New York. *New York University*.
- Ronald M. Stout*; A.B., Syracuse, 1939; A.M., *ibid.*, 1941. An Analysis of Administrative Procedures Employed by the New York State Department of Health in the Regulation of Camp Sanitation. *Syracuse*.
- Owen Scott Stratton*; A.B., Reed, 1938. Wartime Control of Food Prices. *Stanford*.
- Nelson E. Taylor, Jr.*; A.B., Virginia, 1943; A.M., Harvard 1946. The Association of American Railroads—Its Role as a Pressure Group. *Harvard*.
- Henry A. Turner*; B.S. in Ed., Northwest Missouri State Teachers College; A.M., Missouri, 1941. Administrative Theory and Practice of Woodrow Wilson. *Chicago*.
- Stuart H. Van Dyke*; A.B., Indiana, 1935. Techniques of Censorship. *Syracuse*.
- Paul P. Van Riper*; A.B., DePauw, 1938. History of Civil Service Reform Since 1900. *Chicago*.
- James R. Watson*; A.B., Cornell College, 1938; A.M., Columbia, 1940. Administrative Problems in Puerto Rico. *Columbia*.
- William L. C. Wheaton*; A.B., Princeton, 1934. The Administration of the Federal Housing Program. *Chicago*.
- Robert Fraser Wilcox*; A.B., Stanford, 1937; A.M., *ibid.*, 1940; A.M., Columbia, 1944. The Information Function as an Instrument of Administrative Leadership: A Substantive Study of Federal Publicity Materials. *Stanford*.
- Henry Newton Williams*; B.S., State Teachers College, Murfreesboro, Tennessee, 1937; A.M., Tennessee, 1938. Administration in Illinois under the Civil Administrative Code, 1917-1937. *Chicago*.
- James Richard Woodworth*; A.B., Western Reserve, 1940. Administration of the Pure Food, Drugs and Cosmetics Act since 1938. *Harvard*.
- Matthew Y. C. Yang*; A.B., National Tsing Hua University, China, 1938; A.M., Harvard, 1946. The U. S. Senate Special Committee Investigating the National Defense Program. *Harvard*.
- Virgil B. Zimmermann*; A.B., South Dakota, 1938; A.M., *ibid.*, 1939. OPA's Price Department; A Critical Analysis in Reference to Current Theories of Public Administration. *Yale*.

FOREIGN AND COMPARATIVE GOVERNMENT AND POLITICS

- Alonzo L. Baker*; A.B., Pacific Union College, 1916. An Inquiry into the Influence of the Divine Emperor Doctrine upon the Japanese Empire. *Southern California*.
- George I. Blanksten*; A.B., Chicago, 1939; A.M., *ibid.*, 1940. Political, Social, and Economic Aspects of Ecuadoran Constitutional Problems, 1940-1946. *U.C.L.A.*
- Morris H. Cohen*; A.B., Chicago, 1939. Civil Service in Great Britain in Wartime. *Chicago*.
- Arthur B. Coole*; A.B., Baker, 1921; A.M., Denver, 1922; M.S., *ibid.*, 1930. The Influence of American Education upon Nationalist China. *Northwestern*.
- Roger Di-Gioja*; A.B., Michelet College, Paris, France, 1939; A.M., Notre Dame, 1943. The Problem of the Executive in France, and the Fear of Bonapartism. *Notre Dame*.
- Werner Freund*; LL.D., Freiburg (Germany), 1933. The Jurisdiction of German Courts to Decide Controversies Arising under the Weimar Constitution. *Columbia*.
- Milan Ernest Hapala*; A.B., Beloit College, 1940; A.M., Nebraska, 1941. Czechoslovak-Russian Relations Since World War I. *Duke*.

- Robert E. Hosack*; A.B., Wooster, 1932; A.M., Chicago, 1934. A Study of Regional Government in Modern China. *Duke*.
- Nobutaka Ike*; A.B., Washington, 1940. The Democratic Movement in Japan, 1874-1890. *Johns Hopkins*.
- George McTurnan Kahin*; A.B., Harvard, 1940; A.M., Stanford, 1946. Government in Indonesia. *Johns Hopkins*.
- Robert Frederick Karsch*; A.B., Westminster, 1932; A.M., Vanderbilt, 1934. French Constitutionalism and the Social Question. *Missouri*.
- James W. Miller*; A.B., Amherst, 1936; A.M., Minnesota, 1938. Political Organization for Women and Young People in Great Britain. *Minnesota*.
- Samuel Milner*; A.B., University of Alberta, 1936; A.M., *ibid.*, 1938. Governmental Control of Radio Broadcasting in Canada. *Minnesota*.
- Wei-Chin Mu*; A.B., National Tsing Hua, Peiping, 1937; A.M., Princeton, 1947. Provincial-Central Government Relations in China. *Princeton*.
- Benjamin Pin*; D. es L., Paris, 1938. The Legislative Work of the French Committee of National Liberation. *Columbia*.
- Robert Vance Presthus*; A.B., St. Olaf, 1940; A.M., Minnesota, 1941. Nationalization of Coal Mines in Great Britain. *Chicago*.
- Warren Roberts, Jr.*; A.B., Emory, 1936; A.M., Princeton, 1939. The Decline of Liberalism in England. *Princeton*.
- Aoke Sandler*; A.B., Southern California, 1943; A.M., *ibid.*, 1946. The Constitutional and Political Development of Sweden, 1921-1947. *U.C.L.A.*
- Kalman H. Silvert*; A.B., Pennsylvania, 1942; A.M., *ibid.*, 1947. The Chilean Development Corporation. *Pennsylvania*.
- John Cunningham Sparks*; A.B., Tulsa, 1932; A.M., Ohio State, 1937. An Analysis of the British Conservative Party, 1906-1939. *Ohio State*.
- Leo Clair Stine*; B. Ed., Illinois State Normal University, 1939; A.M., Illinois, 1943. The Economic Policy of the Commonwealth Government of the Philippine Islands. *Illinois*.
- Victor A. Thompson*; A.B., University of Washington, 1939. The Commissariats of the Soviet Union, 1928-1939; A Study in Administrative Organization. *Columbia*.
- Clarence E. Thurber*; A.B., Stanford, 1943. The Administration of Economic Planning in the Soviet Union. *Stanford*.
- Julius Towster*; Ph.B., Chicago, 1930; J.D., *ibid.*, 1932. The Conception of Political Control in the U.S.S.R. *Chicago*.
- Lester W. Trueblood*; B.S. Ed., Indiana State Teachers College, 1933; A.M., Clark, 1936. Political Geography of Burma. *Clark*.
- August Velletri*; A.B., Ohio State, 1944; A.M., *ibid.*, 1944. An Analysis of the Christian Democratic Party Movement in Italy. *Ohio State*.
- Manfred C. Vernon*; Referendar, Cologne, 1929; Assessor, Berlin, 1933. Government and Politics of Holland. *Stanford*.
- Evelyn Yuén*; A.B., Rockford College, 1942. The Chinese Foreign Office. *Northwestern*.
- Robert E. Ward*; A.B., Stanford, 1936; A.M., California, 1938. Japanese Political Parties, 1928-1947. *California*.

INTERNATIONAL ORGANIZATION, POLITICS, AND LAW

- Freeland Knight Abbott*; A.B., Tufts, 1942; A.M., Fletcher School, 1947. United States Policy in the Near-Middle East, with Special Attention to Oil. *Fletcher School*.
- Eliece Aiman*; A.B., Vassar, 1941; A.M., Chicago, 1944. Power Politics Concerning Senkiang, 1860-1946. *Chicago*.

- Luther A. Allen; A.B., Williams, 1941; A.M., Iowa, 1942. The Attitude of French Political Parties Toward the Soviet Union, 1933-1939. *Chicago*.
- Robert Shillingford Babcock; A.B., Rochester, 1937; A.B., Oxford, 1939. International Federation. *Northwestern*.
- Curt Frederic Beck; A.B., Cornell, 1943; A.M., Fletcher School, 1944. The Search for Security of a Small State, with Special Reference to Czechoslovakia's Foreign Policy, 1918-1938. *Harvard*.
- John A. Bekker; A.B., Kansas, 1934; A.M., *ibid.*, 1935. The Soviet Union and the League of Nations. *Chicago*.
- Louis Valladares Beltranena; Br. CC. JJ. y SS., National University of Guatemala, 1938; Abogado y Notario Publico, *ibid.*, 1944. Attempts to Form a Central American Union. *Notre Dame*.
- Alvin LeRoy Bennett; B. Ed., Western Illinois State Teachers College, 1939; A.M., Illinois, 1946. Development of Intellectual Cooperation under the League of Nations and United Nations. *Illinois*.
- Rosarah Marcene Campbell; A.B., U.C.L.A., 1945. The International and Constitutional Status of Native States. *U.C.L.A.*
- George Allan Carroll; B.S., Louisiana State, 1939. The Foreign Policy of the United States, 1917-1947. *Fletcher School*.
- Nai-Wei Chang; A.M., Cornell, 1945; A.M., Harvard, 1947. The Standard of Justice for the Treatment of the Individual in International Law. *Harvard*.
- Kwen Chen; LL.B., National Central University of China, 1939; A.M., Michigan, 1946. Legal Status, Privileges, and Immunities of the United Nations, Its Related Organizations and their Personnel. *Michigan*.
- I-Kua Chou; LL.B., National Fuh Tan University, 1942; A.M., Fletcher School, 1946. American Foreign Policy in China, 1933-1939. *Fletcher School*.
- Edward Scott Clafin; A.B., Oberlin, 1933; A.M., Yale, 1935. The Alliance as an Instrument of Foreign Policy. *Yale*.
- James L. Colbert; A.B., British Columbia, 1938; A.M., Columbia, 1940. Partiality of States in War. *Columbia*.
- Edwin Costrell; A.B., Maine, 1938; A.M., *ibid.*, 1939. How America Viewed the World War, 1914-1917. *Clark*.
- Clark Nixon Crain; A.B., Colorado, 1939; A.M., *ibid.*, 1940. Migration in the Relations of the United States and Mexico. *Clark*.
- Arthur Cheever Cressy, Jr.; A.B., Tufts, 1944; A.M., Fletcher School, 1945. Canadian-American Relations, 1939-1945. *Fletcher School*.
- John H. Davenport; B.S., Northwestern, 1944. Distinction of the Just and Unjust War from Grotius to the Present. *Northwestern*.
- Betty Lou Dickens; A.B., College of Wooster, 1945; A.M., Fletcher School, 1946. International Relations in the Harding-Coolidge Era. *Fletcher School*.
- Edwin Knox Dole; A.B., Pacific University, 1932. The Policy of the United States of Granting Aid Short of War to Nations Victims of Aggression. *Stanford*.
- Arthur Butler Dugan; A.B., Princeton, 1932; A.M., *ibid.*, 1933; B.Litt., Oxford, 1935; Diploma in Economics and Political Science, *ibid.*, 1936. Parliamentary Opinion of the League of Nations from 1918 to 1938. *North Carolina*.
- Dieter Duz; A.B., Chicago, 1939. German Ideas of International Organization. *Chicago*.
- Nicholas Efimenko; A.B., Minnesota, 1937; A.M., *ibid.*, 1940. The Mandate Principle and Its Future Application in International Organization. *Minnesota*.
- Anne Byrd Firor; A.B., University of Georgia, 1941; A.M., Northwestern, 1944. Representation in International Organizations. *Northwestern*.

- Wesley R. Fishel; B.S., Northwestern, 1942. The Abolition of Extraterritoriality in China. *Chicago*.
- William W. Fitzhugh, Jr.; A.B., Dartmouth, 1935; A.B., Cambridge (England), 1937; A.M., *ibid.*, 1940. Population and Peace. *Columbia*.
- Clayton D. Ford; A.B., Minnesota, 1929; A.M., *ibid.*, 1930. The Open Door Doctrine in Sino-British Relations. *Minnesota*.
- Edgar S. Furniss, Jr.; A.B., Yale, 1940; A.M., *ibid.*, 1944. The Place of Latin America in the Security Policy of the U. S. *Yale*.
- Meredith Gilpatrick; Ph.B., Chicago, 1925; LL.B., *ibid.*, 1928. Military Strategy on the Western Front, 1914-1918. *Chicago*.
- Charles D. Goff; Ph.B., Wisconsin, 1938; A.M., Northwestern, 1941. Legislative Purpose of Neutrality Acts. *Northwestern*.
- Wesley Larson Gould; A.B., Baldwin-Wallace College, 1939; A.M., Ohio State, 1941. Consent and International Obligation. *Harvard*.
- George Grassmuck; A.B., U.C.L.A., 1941; A.M., *ibid.*, 1943. Sectional Biases in Congress on Foreign Policy. *Johns Hopkins*.
- Frances Anderson Gulick; A.B., Linfield, 1940; A.M., Fletcher School, 1941. United States Economic Policy toward China: An Evaluation of Economic Policy and Practice in Relation to our Objectives. *Fletcher School*.
- Ellen Hammer; A.B., Barnard, 1941; A.M., Columbia, 1942. France among the Powers. *Columbia*.
- L. Wendell Hayes; A.B., Bates, 1931. The American Proposals for Maintaining Neutrality during the World War. *Chicago*.
- Roberto Herrera, Jr.; A.B., Dartmouth, 1943; A.M., Columbia, 1945. Latin American Territorial Disputes in International Law. *Columbia*.
- John Charles Hogan; A.B., U.C.L.A., 1942. The Development of Prize Law in World War II. *U.C.L.A.*
- Alfred J. Holz; A.B., Heidelberg College, 1932; A.M., Ohio State, 1935. American Liberalism in World Politics since World War I. *Chicago*.
- Richard W. Jennings; A.B., Park College, 1927; A.M., Pennsylvania, 1933. The Bering Sea Arbitration; A Study of the International Judicial Process. *California*.
- William Weed Kaufmann; A.B., Yale, 1939. Great Britain and the Independence of the New World, 1805-1828. *Yale*.
- Hattie Masuko Kawahara; A.B., Mt. Holyoke, 1943; A.M., *ibid.*, 1945. The Relations between the United States and Japan from 1931 to 1941. *Minnesota*.
- George H. Kelly; A.B., California, 1937; A.M., Stanford, 1940. How the Belgian Congo is Governed—A Study in Colonial Administration. *Stanford*.
- Marie Stuart Klooz; A.B., Sweet Briar, 1923; A.M., Columbia, 1939. State Responsibility for Acts of Individuals under Fascism. *Columbia*.
- Maximilian Koessler; Dr. Juris., Czernowitz (Austria), 1912; A.M., Columbia, 1941. The Nationality of Commercial Corporations. *Columbia*.
- Martin Kriesberg; B.S.C., Northwestern, 1940; A.M., Harvard, 1947. Public Opinion on American-Soviet Relations. *Harvard*.
- Arthur P. Kruse; A.B., Nebraska State Teachers College, 1929; A.M., Nebraska, 1934. The Territorial Integrity and Administrative Entity of China as a Phase of American Far Eastern Policy. *Chicago*.
- Arnold J. Kuhn; A.B., Chicago, 1937; A.M., *ibid.*, 1946. Information Policy of the Department of State in regard to Russia since the War. *Chicago*.
- Mahmut Nedim Lacin; A.B., Robert College, Istanbul, Turkey, 1936; M.B.A., Southern California, 1937. The Importance of the Straits in the Foreign Relations of the Turkish Republic. *Southern California*.

- Augusta Lansing*; A.M., Fordham, 1941. The Nature of Czechoslovakia's Foreign Policy. *Chicago*.
- Lawrence Lesley Lazar*; Ph.B., Wisconsin, 1943; A.M., Fletcher School, 1945. The Development of United States Economic Policy since 1933 towards Argentina, Brazil, Chile, and Uruguay, with Special Reference to their Internal and International Position. *Fletcher School*.
- Solomon Lebovitz*; B.S., Boston University, 1942; A.M., Harvard, 1943. United States Military Government in Germany. *Harvard*.
- Ruth Berg Levine*; A.B., Minnesota, 1919; A.M., *ibid.*, 1943. The Political Aspects of Zionism. *Minnesota*.
- Paul Ta-Kuang Lin*; A.B., Michigan, 1943; A.M., Fletcher School, 1944. Problems in the Policy of the British Commonwealth toward the Japanese Empire, 1921-1941. *Harvard*.
- Goethe M. Lindblad*; A.B., Southern California, 1941. Background, Effects, and Consequences of the Cripps Mission to India. *Southern California*.
- George T. Little*; A.B., Bowdoin, 1940; A.M., Fletcher School, 1941; A.M., Columbia, 1943. The Codification of Public International Law. *Yale*.
- Robert Eugene Lorish*; A.B., Muhlenberg, 1941; A.M., Fletcher School, 1942. Britain's Search for Security in the United Nations Organization. *Fletcher School*.
- Ghislaine Mary Lovell*; B.S., William and Mary, 1944; A.M., Fletcher School, 1945. The Problem of Security in Franco-American Relations from 1918 to the Present. *Fletcher School*.
- John Henry McDonough*; A.B., Yale, 1938; A.M., *ibid.*, 1941. The Concept of Provocation in International Relations. *Yale*.
- Charles H. McLaughlin*; A.B., Denver, 1929; A.M., *ibid.*, 1934; LL.B., Harvard, 1935. Historical Influences in the Law of Treaty Interpretation. *Columbia*.
- Abram Manell*; A.B., Middlebury, 1934; A.M., California, 1936. Sanctions under the Charter of the United Nations. *California*.
- Frederick J. Mann*; A.B., Columbia, 1933; A.M., *ibid.*, 1935. Sovereignty in the Antarctic. *Columbia*.
- Edward Grant Meade*; A.B., Dartmouth, 1935; A.M., Wisconsin, 1936; M.A.L.D., Fletcher School, 1938. A Military Government Experiment in Korea. *Pennsylvania*.
- W. Grafton Nealley*; A.B., Maine, 1929; A.M., Stanford, 1930. Anglo-American Caribbean Commission. *Stanford*.
- Inez Nelson*; A.B., Chicago, 1940. The Security of Small States. *Chicago*.
- Janet Lippe Norwood*; A.B., New Jersey College for Women, 1945; A.M., Fletcher School, 1946. The Concept of Domestic Jurisdiction in International Organization. *Fletcher School*.
- Grady Harrison Nunn*; A.B., Oklahoma, 1939; A.M., *ibid.*, 1941. International Administration in the Western Hemisphere. *New York University*.
- Roscoe R. Oglesby*; A.B., Georgetown (Ky.), 1925; A.M., Virginia, 1934. Applications of International Law under Conditions of Civil Strife. *Duke*.
- Ernest J. Oppenheimer*; A.M., Chicago, 1946. German Opinions toward China and Japan in the Inter-War Period, 1919-1941. *Chicago*.
- Richard M. Perdue*; A.B., Swarthmore, 1926; Institut Universitaire de Hautes Études Internationales, Int. Diplome, 1929. Diplomatic Consequences of Economic Nationalism. *Chicago*.
- Whitney Trow Perkins*; A.B., Tufts, 1942; A.M., Fletcher School, 1947. American Policy in the Governance of Non-Self-Governing Areas. *Fletcher School*.
- Robert J. Peterson*; B.S., Northwestern, 1943. The Status of Manchuria since 1931. *Chicago*.

- Ladislav F. Reitzer*; LL.D., University of Budapest, 1936; Ph.D., University of Geneva, 1938. U.S.-Russian Economic Relations, 1917-1933. *Chicago*.
- John Stephen Reshetar, Jr.*; A.B., Williams College, 1945; A.M., Harvard, 1946. Ukrainian Nationalism. *Harvard*.
- Albert H. Rosenthal*; A.B., Denver, 1936; A.M., Minnesota, 1938. Administrative Problems in the Establishment of the United Nations Educational, Scientific, and Cultural Organization. *Harvard*.
- Marina Salvin*; A.B., Barnard, 1940; A.M., Columbia, 1943. The Soviet Challenge in the Balkans. *Columbia*.
- Isamu Sato*; A.B., Hawaii, 1934. The Impact of International Relations upon the Government and Politics of Japan. *Chicago*.
- Steven E. Schanes*; A.B., State Teachers' College, Montclair, N. J., 1943. National Policies and International Civil Aviation. *Cornell*.
- Harry Hersh Shapiro*; A.B., Pennsylvania State College, 1928; A.M., Pennsylvania, 1932. Interpretation of the Non-Intervention Principle Following the Buenos Aires Conference of 1936, with Particular Reference to Mexico. *Pennsylvania*.
- Yun-kung Shen*; A.B., St. John's University (China), 1932; A.M., Columbia, 1941. American Official Attitudes toward Government in China, 1898-1947. *Wisconsin*.
- Rafaelita V. Hilario Soriano*; A.B., Philippine Women's University, 1936; A.M., University of the Philippines, 1938. Japanese Propaganda in the Philippines. *Michigan*.
- David J. Steinberg*; Ph.B., Vermont, 1939; A.M., Harvard, 1941. Foreign Procurement and the Stockpiling of Strategic Materials. *Harvard*.
- Harley J. Stucky*; A.B., Bethel College, 1941; B.D., Garrett Biblical Institute, 1944; A.M., Northwestern, 1947. International Control of Atomic Energy. *Northwestern*.
- Kline R. Swygard*; A.B., Washington, 1935. The International Fisheries Commission: A Study in International Administration. *Washington* (Seattle).
- Florence Pauline Tompkins*; A.B., Mt. Holyoke, 1941; A.M., Fletcher School, 1942. American-Russian Relations in the Far East, 1914-1933. *Fletcher School*.
- Martin B. Travis, Jr.*; A.B., Amherst, 1939; A.M., Fletcher, 1940. Evolution of the Pan-American Peace System. *Chicago*.
- G. Hanse Voelkel*; A.B., N.Y.U., 1935; J.D., 1936; J.S.D., 1938. Interposition of States on Behalf of Nationals Having Interests in Foreign Corporations. *Columbia*.
- Louis Wasserman*; A.B., U.C.L.A., 1936; A.M., California, 1939. The United States and New Zealand: Political and Commercial Relations. *California*.
- Joseph Robert West*; A.B., Chicago, 1937. The Role of U.S. Technologists in the Development of Brazil. *Chicago*.
- John Julius Wuest*; B.S., Southern California, 1941; M.S., *ibid.*, 1943. Soviet Policies in the Middle East. *U.C.L.A.*
- Leo Yedor*; A.B., Chicago, 1937; A.M., *ibid.*, 1938. The Papacy in Spain, 1919-1931. *Chicago*.
- Amos Yoder*; A.B., Ohio Wesleyan, 1942. The Problem of the Ruhr in the Peace Settlement. *Chicago*.

BOOK REVIEWS AND NOTICES

The Web of Government. BY R. M. MACIVER. (New York: The Macmillan Company. 1947. Pp. x, 498. \$4.50.)

If it be said that Professor MacIver's book is a systematic study of politics, the reader may be led to think of it as similar to the *Leviathan*, the *Second Treatise*, or the *Social Contract*. It resembles these only in that it deals with many of the same persistent problems, even if in a different setting. It does not have their sharp clarity of focus, nor the dedication to a distinct and easily labelled doctrine which helps to give them their effectiveness as documents of persuasion. Compared to them, it is diffuse, learned, balanced. It is, that is to say, an academic performance; although this characterization should not cause American scholars to classify it with such wooden treatises as Woolsey's *Political Science* or Wilson's *The State*; nor does Mr. MacIver share Burgess' cantankerous insistence that all institutions fit his rigid definitions; and certainly it does not have the utter aridity of many lesser treatises of the nineteenth century. It is far superior to all of these. Among American writings, it seems to me most nearly comparable to the systematic books of Francis Lieber, and only incidentally because Mr. MacIver holds the Lieber Professorship at Columbia, where Lieber was one of his eminent predecessors.

Like Lieber's books, this one reflects not only great learning but also long reflection. No brief summary could possibly indicate adequately the range of subjects discussed under its five headings: "The Emergence of Government," "The Bases of Authority," "The Forms of Government," "The Transformations of Government," and "Conclusions on the Theory of Government." It is unlikely that any one who reads carefully what Professor MacIver has to say about political myths and their uses, the nature and rôle of law, the nature of property and of power, status and class in different forms of society, or revolutions, will fail to encounter information and observations which are new to him.

The Web of Government has more relevance to the problems of its time than either of Lieber's systematic books. I think, too, that it is generally more realistic and more penetrating in its comments on the nature of social and political processes. It reflects its author's long study of sociology and cultural anthropology, as well as political history. But it does seem to me to be comparable to Lieber's works in its rather heavy style and its bookishness. Professor MacIver, except when dealing with international society, too often finds it necessary to discuss the writings of the classical political philosophers rather than deal directly with the question at issue—as they did. Those who have studied the books to which he refers will find the discussions interesting; for the comments are always intelli-

gent and frequently throw new light on well-known materials. But I suspect that few persons who are not familiar with these writings will find it easy going. This, if true, is regrettable. Though the general point of view of the book is not unfamiliar, there are observations and comments on many subjects with which the citizen is concerned—even though he may not be conscious of it—which would increase his awareness both of their complexity and their urgency. But Professor MacIver has read and remembered too many books on political and social theory to make it possible for him to cut loose and write only about the subject at issue.

Except in the discussion of the international community, Professor MacIver's attitude is usually conventional. It seems to stem, that is to say, from traditional British liberalism. He ardently advocates a world order far stronger than the United Nations, but when he deals with the problems involved in the relation of government to economic and social life, he is, relatively, on the defensive. I, for one, have no difficulty in agreeing to the superiority of democratic, constitutional methods, but I was disappointed to find that the grand conclusion is little more than a plea to resist movements which seek to vest in governments power over the cultural life of the community. The argument is, I think, valid, but it does not go very far toward helping us to work out a philosophy for the world of fiercely competitive technologies and ideologies in which we live. I should be giving an entirely erroneous picture of the book, however, if I did not point out that Professor MacIver recognizes both the seriousness of the issue and the reasons for the growth of governmental intervention. He approves of planning and the service state, but it seemed to me that he so fears the results of collectivism that he draws back where he might have pushed the argument further to explore the means by which this apparently inevitable process can be kept both democratic and constitutional. The contrast between his impatience with the slow pace of development in the international sphere and his traditional and cautious approach to domestic problems is striking. The book will be read, widely I hope, not for an exposition of a new social or political philosophy, but because of the learning and the mature perspective which are to be found in its pages.

BENJAMIN F. WRIGHT.

Harvard University.

A History of American Philosophy. By HERBERT W. SCHNEIDER. (New York: Columbia University Press. 1946. Pp. xiv, 646. \$4.50.)

Political scientists who have a poetic strain and those whose insight shows life to be an Armageddon between great ideas will have affection for this book if they come to read it. Those who are committed to institutional description, to the dynamics of the ordinary in politics, to an un-

complicated positivism, and to the eighteenth-century idea of progress will find Schneider's masterly work remote from the classroom and unrelated to the purposes of this REVIEW. If Schneider is correct in his evaluation, there is, indeed, a sharp separation between American political theory and American philosophy. Yet if he is correct, there is also a relatedness that varies in its intensity from period to period, a fact that students of American intellectual history might well affirm while rejecting some of the author's interpretations of political writers. In general, as the volume progresses the separation between philosophy and political theory grows more distinct, though the background value of philosophy may be no less than in earlier periods of our history.

Schneider begins with a treatment of colonial Platonism and empiricism, a philosophical approach that merges easily into "the American Enlightenment." Studies in the rise of nationalism and democracy provide a backdrop for the examination of nineteenth-century Protestant orthodoxy and the transcendental view of life. The impact of nineteenth-century science and the imprint of evolutionism on theology and social ideas are given careful and extended treatment. Finally, the volume records with brilliance the history of the once powerful idealistic movement in American philosophy, and the gradual rise of "the American philosophy" of pragmatism. Since most American political scientists seem, consciously or not, to adhere to radical empiricism, or since as a result of Darwin's "natural selection" they are metaphysically children of Peirce, James, and Dewey, they might read Schneider to become more familiar with their inner selves.

It is useless, says the author, to seek for a "native tradition" in philosophy. One pervading impression arising from this work is that until recently American philosophy has been a development and variation on the theme of Calvinist, British, and German speculation. Hence, we have the justification of Schneider's emphasis on religious writings, the constant re-interpretation of British movements, and the whole course of idealism stemming from German thought beginning with Kant. Yet the author feels that "something genuinely new is brewing" (p. vii), though what it is he hesitates to prophesy. For "no enduring evaluation of what is living and what is dead in our tradition is possible" (p. ix). A powerful lesson for us is, I think, that political scientists must have a theory of intelligence, a central principle certainly in pragmatism. If evasion of this question is possible, escape is not in a valid science of politics, since such a theory is essential in organizing the intricacy of experience we seek to use for data.

For political scientists, the volume would have been greatly strengthened by a brief but continuous treatment of political ideas, which would have been possible by shortening the lengthy quotations often used.

Southern thought is given very sketchy treatment; some men who might well have been included are left out (e.g., Paul Elmer More); and the massive bibliographical apparatus may not be as valuable as a wider scope in subject-matter.

FRANCIS G. WILSON.

University of Illinois.

The Intellectual Adventure of Ancient Man; An Essay on Speculative Thought in the Ancient Near East. BY H. and H. A. FRANKFORT, JOHN A. WILSON, THORKILD JACOBSEN, and WILLIAM A. IRWIN. (Chicago: University of Chicago Press. 1946. Pp. vii, 401. \$4.00.)

A typical history of political thought or political philosophy begins with a few apologetic remarks by the author about not being able to start farther back; he then plunges into the theories of Plato and his immediate Greek predecessors. As Professor McIlwain says (p. 3), "With Greece, then, we must begin."

It is wrong to assume, however, that the stream of speculative thought, or even of Western speculative thought on politics, began with the Hellenes. Long before there were any Greek city-states, there were established governments on a large scale in the Near East as well as in the Far East. It is unthinkable that even the most primitive men under government should not have speculated to some extent on government. The resentful young man sent out by the patriarch of the family or the headman of the village against his will to tend the flocks at night had long, lonesome hours and every provocation to speculate on political authority. His counterparts, thousands if not millions of them, would have been found in more advanced political systems among the civil servants, teachers, priests, and soldiers who served the régime, as well as among the many citizens who were being squeezed by the tax-gatherers. What was distinctive about Greek political thought was that it came nearer to our own time, was more mature, systematic, and voluminous, was the result of rather formal, advanced, and scientific investigation, and was written down in forms that men could study and also preserve for later generations. In short, political thought was not just beginning, but in deep and full stream, by the time of Plato and Aristotle.

The beginnings are forever lost. The primitive peoples that preceded the ancient civilizations left practically no records. Anthropologists have done much through their studies of recent and present-day primitive tribes to show us by analogy how the most ancient of primitive men may have thought, but the demonstration will always leave something to be desired. Between the time of the ancient primitive tribes that preceded the known ancient civilizations and the early Greeks lies the long but little-known experience of those ancient civilizations themselves. Several

of these stretch backward from Aristotle's day more centuries than have elapsed since then.

The book here under review is an important, possibly a very important, contribution to the history of political speculation in ancient Egypt and Mesopotamia and among the ancient Hebrews. This reviewer has been led to read the book from cover to cover by nothing more nor less than an amateur's keen interest. He feels quite incompetent to pass critical judgment on the work. Only Orientalists may be the ones to try this, since all the authors are Orientalists at the University of Chicago. They bring to their work not only the results of their own researches and wide reading, but also insight, originality, and the ability to write interesting English. Behind their "essay," though not necessarily supporting all of their interpretations, lie the voluminous findings of numerous archaeologists and other scholars who have been investigating so intensively in recent decades the ancient civilizations of the Near East. The connections between the ideas found by the authors in those once-dominant societies and certain ideas in Western political thought are so numerous and interesting that it would be futile to try to summarize them here.

To whet the reader's appetite without satisfying it, here in brief are the contents of the book. Dr. John A. Wilson discusses the thought of ancient Egypt in three chapters—"The Nature of the Universe," "The Function of the State," and "The Values of Life." Dr. Thorkild Jacobsen contributes three chapters on Mesopotamia—"The Cosmos as a State," "The Function of the State," and "The Good Life." Dr. William A. Irwin discusses the thought of the ancient Hebrews in four chapters—"God," "Man," "Man in the World," and "Nation, Society, and Politics." Dr. H. and Mrs. H. A. Frankfort collaborate in producing an illuminating introduction, "Myth and Reality," and a helpful concluding chapter, "The Emancipation of Thought from Myth."

WILLIAM ANDERSON.

University of Minnesota.

Total War and the Constitution. BY EDWARD S. CORWIN. (New York: ALFRED A. KNOPF. 1947. Pp. xiii, 182. \$2.50.)

This book contains five lectures delivered by Professor Corwin in 1946 on the William W. Cook Foundation at the University of Michigan. It would have been difficult if not impossible to find a more competent person to discuss "Total War and the Constitution." A teacher for nearly a half-century, his productive scholarship has achieved preëminence for him in his field. In these lectures he sets forth conclusions announced in his earlier publications, predictions which later developments have verified, and interpretations of constitutional theory resulting from events preceding and during World War II.

After brief but valuable reference to the significance of the atomic bomb for our industrial and constitutional structure, not only for wartime but also through peacetime, Professor Corwin deals with the War before the War. Tracing the evolution of the constitutional theory of the President's powers as set forth in detail in his *The President: Office and Powers*, published in 1940, he gives examples of the exercise of these powers by President Roosevelt during the period under consideration. At first, legislative cooperation was sought, but after Lend-Lease the "commander-in-chief" clause of the Constitution was relied upon in presenting Congress with accomplished facts.

While the evolution of constitutional theory has vested the full war power in the national government, specific provisions of the Constitution place some restraint on governmental action. The author explains the effect of total war on those which result from the powers and structure of the national government, or are due to constitutional provisions safeguarding private rights. Limitations of space do not permit any discussion in detail of these important matters. As regards the former, the precedents of World War I were followed and augmented with consequent enormous increase of the President's powers exercised under delegation by Congress or by-virtue of his inherent authority to act in the emergency created by war.

As concerns constitutional rights during World War II, the pattern established by its predecessor was followed, with the Supreme Court generally unwilling, in the presence of total war, to find no justification for the exercise of governmental power. The exception for freedom of speech and press was due to the policy of the Administration and prior decisions of the Court strengthening these civil liberties. In the Hawaiian Island cases, the Court held that martial law had been illegally established, but it sustained the President's executive order in the Japanese segregation cases where the emergency was not as great. The Court, moreover, upheld a provision of the Emergency Price Control Act taking away from persons criminally prosecuted for violation of the act, or of orders issued under its authority, the right to plead the unconstitutionality of the act or of such orders. And it tightened the law of treason as regards adhering to an enemy of the United States.

Under the title, "Total Peace and the Constitution," the author considers the questions involved in the ratification of the United Nations Charter and the enactment of the United Nations Participation Act and indicates the constitutional basis of the provision of the latter for placing armed forces at the disposal of the Security Council.

The final lecture is devoted to "The Postwar Constitution." Professor Corwin finds it to be a Constitution "*adapted to peacetime usages in an era whose primary demand upon government is no longer the protection of rights*

but the assurance of security." The concepts of federalism and separation of powers which formerly operated as checks upon national governmental powers have largely disappeared from our Constitution as a result of the New Deal and World War II. The power of judicial review itself has been impaired, as the author predicted in 1934 in his *The Twilight of the Supreme Court*, and as he confirmed in 1941 in his *Constitutional Revolution, Ltd.*

Total War and the Constitution gives a realistic picture of the effect of emergencies and wars upon our Constitution. Though prepared primarily for students of law, the lectures appear in this excellent volume in a form that will interest and instruct laymen.

ISIDOR LOEB.

Washington University.

Lions Under the Throne. BY CHARLES P. CURTIS, JR. (Boston: Houghton Mifflin Company. 1947. Pp. ix, 368. \$3.50.)

In admonishing the judges to be "lions under the throne," this book seeks to define the allowable scope of judicial review in a political system which enthrones democracy. In Mr. Curtis' view, a correct understanding of the Supreme Court's function begins with the recognition of a basic fact: although in name a court of law, the Supreme Court, by virtue of the power of judicial review, has become in reality an organ of government which necessarily chooses between competing interests and competing policies. The Court's masquerade as a court of law is by no means a harmless foible. To maintain its disguise, the Court has phrased its essentially political decisions in the language of the law, the language of abstractions and absolutes. And beguiled by those legal abstractions and absolutes, judges of the Court have been encouraged to forget the restraint which democracy imposes upon the exercise of political power by an undemocratic agency. The consequences were writ large in the early New Deal cases wherein a hostile Court did not hesitate to defeat the aims of the people's representatives in the name of a rigidly absolutistic constitutional conceptualism.

Mr. Curtis believes that the "new" Court has a sounder conception of its real function, although the Jehovah's Witnesses cases move him to warn that Court against new judicial absolutes which destroy governmental power. In his opinion, judicial self-restraint is essential except "where the democratic process is itself attacked," and there "the Court should exercise less than no restraint." Self-restraint means subordination to the community of which the Court is merely a part. In the discharge of its function, the Court must impute to our philosophically neutral Constitution "the best current philosophy of the time." This philosophy must comprise, not the judges' own predilections, but the convictions, implied

assumptions, and half-articulate principles of the community. "Out of a confusion of which we may be only half aware," the Court must, in the last analysis, "articulate our creed for the era."

The broadly and zestfully elaborated theme of Mr. Curtis' book is vastly stimulating but equally productive of doubts. The notion that courts of law and policy-making agencies are generically different institutions seems to rest upon one of those legalistic abstractions which Mr. Curtis deprecates. Courts of law perforce must choose between competing rules and analogies, and such choices necessarily turn upon policy-determinations. In constitutional cases, the underlying interests are usually weightier than in ordinary litigation, but the nature of the judicial choice is the same. One may likewise question the reality of the distinction between the absolutist and the (so to say) "relativist" schools of judges. All men tend to be "absolutist" in their devotion to cherished values. The powers of government are the symbols of values no less absolute in nature than those which are reflected in constitutional limitations. Certainly, the former values are not the less absolute for being merged with democratic dogma, itself the most common of absolutes and one which, incidentally, finds very limited sanction in the Constitution's language. Finally, the reader may ponder whether or not judicial review is substantially reconciled with democratic dogma by converting it into an instrument for authenticating and enforcing "our creed for the era." A skeptic will argue that the many-sided American creed offers even ampler scope for judicial predilections than the generalities of the constitutional text.

These and other questions posed by this book do not detract from its value. Its witty and vigorous argument will entertain and stimulate even those who doubt or dissent.

JOHN A. SCHROTH.

Princeton University.

Wilson; The Road to the White House. BY ARTHUR S. LINK. (Princeton: Princeton University Press. 1947. Pp. xiii, 570. \$5.00.)

This book, based on a scholarly investigation of a mass of material, much of it hitherto unused, adds considerably to our knowledge of the career of Woodrow Wilson before his election to the presidency of the United States in 1912.

Mr. Link regards the years of the Princeton presidency as among the most important in Wilson's life. He sees in this period a forecast of "the shape of things to come when Wilson was president of the United States." In each instance, Wilson drove ahead in the first years and accomplished great reforms, but he alienated friends, and his refusal to compromise led to near-disaster at Princeton and to the nation's undoing in the Senate fight over the League of Nations.

In early life, Wilson was a conservative. In Mr. Link's opinion, his change to a progressive began in 1908 and extended over a two-year period. Forced after his nomination for governor of New Jersey to make a choice between conservatism and progressivism, Wilson joined the progressives. In this connection, Mr. Link compares Wilson's correspondence with George L. Record as having about the same decisive effect upon his subsequent political career as had Lincoln's Freeport debate with Douglas on that of Lincoln. It was the "first great milestone in Wilson's career as a liberal statesman."

Wilson's election as governor, his defiance of the political bosses of New Jersey, and his program of progressive legislation, added impetus to the movement to make him the presidential nominee in 1912. Mr. Link denies that Colonel House was the president-maker in 1911 and 1912. It is McCombs "who stands out as the most resourceful and energetic general of the campaign." Taking issue with those who have made McCombs "the chief whipping boy of the eulogistic Wilson biographers," Mr. Link asserts that "in spite of his faults of personality . . . it should be emphasized that McCombs was a loyal and indefatigable laborer in the Wilson cause and the chief source of strength of the Wilson campaign."

Leagued against Wilson were "editors, reactionary politicians and Wall Street financiers, demagogues and former Populists, and self-styled radicals." Mr. Link relates in detail the defection from the Wilson cause of Colonel Harvey, who, he declares, "stands convicted of utter and complete hypocrisy" in his attempt to expose Wilson as an "ingrate—an attempt in which Harvey managed to involve Henry Watterson.

The near-collapse of the movement to nominate Wilson for the presidency, and the upsurge of the Clark candidacy, combine to form an interesting chapter in Mr. Link's book. He contends that one of the deciding factors in the Baltimore convention was an early bargain which Luke Lea, spokesman for the Wilson men in the credentials committee, made with Roger Sullivan, the Illinois Democratic boss, which assured Sullivan's dominance in the Illinois delegation and enabled him to cast the Illinois votes for Wilson at a crucial time in the balloting.

Mr. Link takes definite issue with those historians who have written that Bryan's decision to vote for Wilson caused Wilson's nomination. Admitting that Bryan had a considerable share in achieving Wilson's nomination, Mr. Link declares that other influences and persons were just as important. Clark's landslide was headed off, not by Bryan's action, but because of the coöperative opposition of the Wilson and Underwood delegates. Wilson's nomination was the result of a combination of factors and of men, including those who as political bosses represented the forces against which Wilson was struggling.

In his account of the presidential campaign, Mr. Link lays stress on the meeting of Wilson and Louis D. Brandeis and on the latter's part in

explaining to Wilson what he meant by "unregulated competition," which Wilson made the central theme of his later campaign speeches. Mr. Link asserts that Wilson's election was "as much a political revolution as was Jefferson's triumph over the Federalists in 1800." No one could doubt that Wilson's "concern for the general welfare was profound, and that regardless of how he came by his progressive principles he would see them through as leader of the American people."

The high standard of excellence established by this first of a series of volumes in which Mr. Link proposes to carry the story of Wilson to his death in 1924 gives promise of supplying us with a definitive account of the political career of Woodrow Wilson.

EVERETT S. BROWN.

University of Michigan.

President and Congress. BY WILFRED E. BINKLEY. (New York: Alfred A. Knopf. 1947. Pp. viii, 312. \$3.00.)

This book is an historical analysis of the struggle for supremacy between the executive and legislative branches of the federal government from 1789 down to 1947. It tells with authentic scholarship and absorbing interest the story of executive-legislative relationships from consideration of the problem in the Constitutional Convention (Chap. I) through the Second World War. In graphic style, Professor Binkley describes the recurring conflicts between President and Congress which are inherent in our system of separated powers. The swings of the political pendulum between alternating periods of presidential and congressional leadership are examined in thirteen readable chapters, followed by a final chapter setting forth the author's summary and conclusions.

Professor Binkley's chief objective in this book is to discover and describe just what American experience has been with our system of separated powers and how the perennial conflicts between the executive and legislative arms have been resolved during successive periods of our national history. He shows at the outset that the framers took pains to insure the independence of the executive branch, but failed to define its necessary relations to Congress. During the first decade, reflecting the coastal commercial and financial interests, the Federalists sought to resolve the dilemma through executive leadership by making the department heads a ministry and giving them the initiative in shaping legislation. Led by Thomas Jefferson, the agrarians were the champions of legislative supremacy. For twenty-five years, the Jeffersonian Republicans applied the doctrine of legislative sovereignty and reduced the presidency to a subordinate rôle.

During the Jacksonian period, the agrarian party reversed itself on the doctrine of congressional sovereignty. Andrew Jackson's election

marked the emergence of the President as a "tribune of the people." His two terms witnessed a revolution in executive-legislative relationships, the resurgence of executive power, and subordination of the legislature. Jackson's view of the Executive prevailed thereafter until by 1860 it had become the supreme organ of the federal government. Meanwhile, the Whigs as successors of the Federalists and agents of the business interests, now that the threat of populism had passed to the presidency, also reversed their historic position and transferred their allegiance to the federal legislature. While the Whigs vainly sought to subordinate the Executive to congressional control, the Southern slavocracy came to depend for the protection of its peculiar institution on the control of the presidency.

Lincoln likewise played the rôle of a tribune of the people. In a series of daring ventures, he pushed the executive power to unprecedented lengths within the legislative sphere, disregarding law and constitution to save the nation. The ensuing reaction against the Executive was marked by the impeachment of President Johnson, the temporary hegemony of the Senate, the incompetence and corruption of the Grant administration, and a series of sensational conflicts in which Hayes successfully challenged and decisively repulsed the Senate in its effort to control the Executive.

As a firm believer in the separation of powers, Cleveland twice left the presidency locked in futile combat with Congress. McKinley, attaining the presidency after a long legislative career, integrated the two branches by cordial and conciliatory relations with Congress. Theodore Roosevelt, through the give and take of conferences with Speaker Cannon, achieved comparable results. But Taft was handicapped by his juristic conception of the presidency and the overthrow of the Speaker of the House.

Woodrow Wilson, who had criticized congressional government as he saw it operate in the 1880's, was an advocate of executive leadership and an enthusiast for the English parliamentary system. Conceiving of himself as prime minister, as much concerned with the guidance of legislation as with the execution of law, he put his theories into practice by addressing Congress in person and by conferring at the Capitol with congressional committees and members. However far-fetched it seemed, he succeeded for a season in rationalizing the American political process in terms of the parliamentary system.

World War I was followed by a reaction against the Wilsonian type of executive leadership. Three typical Republican presidents—Harding, Coolidge, Hoover—believing in the dogma of the independence of the legislature and viewing with suspicion a strong executive as a potential champion of the masses, abdicated leadership of the government and left the initiative and formulation of legislation to Congress alone.

Franklin D. Roosevelt, a disciple of Wilson with a lofty conception of the moral leadership of the presidency and a keen grasp of practical poli-

tics, sought to coördinate the legislative and executive branches *via* informal White House conferences with congressional leaders, liberal distribution of patronage, and "must" legislation drafted in the departments. But Roosevelt's program of social legislation was eventually halted by a coalition of Northern Republicans and Southern Democrats. After World War II, the Republicans captured both houses and the political pendulum swung back to the leadership of a Congress reorganized and strengthened by the LaFollette-Monroney Act. Whether a deadlocked government would ensue, as some gloomy oracles prophesied, or the new legislative leadership would find the means to bridge the gap between Congress and the President at a perilous period in our national history, were questions whose answers remained wrapped in the womb of time.

Such, in sketchy outline, is Professor Binkley's exciting story. The whole history of the continuing struggle is here illuminated in vivid detail from Federalist days down through the Second World War. The author concludes that the problem of integrating the executive and legislative branches remains unsolved. He rejects the parliamentary solution as "out of the question in the United States in the foreseeable future." Within our traditional constitutional framework, he suggests as "feasible" reforms: better balanced representation of rural and urban populations in Congress through poll-tax repeal and reapportionment of congressional districts, and further strengthening of internal legislative organization and operation. Conflicts might be lessened if popular-leader presidents dealt with a Congress more truly representative of the entire electorate. Meanwhile, legislative delays and compromises are viewed as the safety valve of sectional disputes.

First published in 1937 as *The Powers of the President*, this book has been completely rewritten, revised, and brought up to date. Perhaps its chief contribution is its historical documentation of the thesis of Thomas K. Finletter and others that better techniques of collaboration between the President and Congress must be devised to overcome the inherited handicap of our system of separated powers and to keep the means and ends of American government in balance.

GEORGE B. GALLOWAY.

*Legislative Reference Service,
Library of Congress.*

The Challenge of Industrial Relations. BY SUMNER H. SLICHTER. (Ithaca: Cornell University Press. 1947. Pp. vii, 196. \$2.50.)

Getting Along With Unions. BY RUSSELL L. AND ELIZABETH B. GREENMAN. (New York: Harper and Brothers. 1947. Pp. ix, 158. \$2.50.)

These brief and highly readable books are characterized by an approach welcome to political scientists. Instead of treating the economic and po-

litical aspects of organized labor either as unrelated or as unalterably in conflict, they conceive of labor-management relations as the institutional framework of expectations, practices, and consequences that control the conduct of management and employees under conditions when collective bargaining is accepted. It is recognized that these relations have possibilities both for harmony and for discord, and that their economic effects may be at the same time both helpful and harmful from the viewpoint of the community. The significance of this approach from a public policy standpoint lies in the assumption that governmental intervention should be based upon prior knowledge of the rights and obligations, understandings and responsibilities, attitudes and frustrations, that are acted upon by unions and management in their *continuing* relations with each other. These relations create, but they also delimit and define, the issues and problems requiring public regulation or control.

The Greenmans do not attempt to evaluate our national labor policies, nor do they ask what these ought to be. Their book is frankly presented as a useful guide to sound practices and standards for personnel directors, factory superintendents, and foremen interested in collective bargaining techniques. Writing from the standpoint of an industrial manager, the authors analyze the collective bargaining process, the motives and objectives of unions in bargaining, technical factors in management strategy; they evaluate the arguments on both sides on such key issues as wages, seniority, union security, grievance procedure, and management responsibility; and they conclude with a terse and meaty discussion of the requirements of an adequate personnel program under a union agreement. Although union members and officials might disagree with the authors' statement of the union or management position on some points, they would find it useful in training their own stewards and committeemen, to say nothing of its value in formulating standards for the administration of a labor relations program.

Professor Slichter's book has a much broader purpose and audience. It is deliberately designed to foster public discussion, and to raise controversial questions of valuation and policy. He asks: With what problems and policies do the changes in union membership and power during the past fifteen years require the public to concern itself, in order to establish an adequate foundation for public control? He distinguishes four aspects of industrial relations: (1) the effects of unions upon the management of business enterprises, (2) the economic consequences of union wage policies, (3) the government of trade unions, (4) the problems of maintaining industrial peace arising from the processes of collective bargaining. Interestingly enough, on the first point he concludes that unions in general have brought about a better balance in the consideration given the interests of consumers and employees in the productive process, in stimulating

management and promoting better managerial practices. On the economic effects of collective bargaining, however, he finds that the process of setting wages by the bargaining power of unions and employers "cannot be relied upon to give proper representation to the interest of the community in the highest possible standard of living and in the fair distribution of income." To remedy this, he offers two widely-differing suggestions. First, we need to accumulate and disseminate a more satisfactory body of knowledge concerning the economics of wages, to the end that such information on the part of the public would have salutary effects upon the temper and attitudes of the parties in wage negotiations. Second, an organization should develop within the labor movement "capable of representing the interests of labor as a whole." Failure of such an organization to materialize means that the government "might be compelled to undertake the formidable and hazardous task of enforcing a national wage policy which endeavored to control the wage structure."

In analyzing trade union government, Slichter strikes out against the "private club" conception of the trade union as a voluntary association. With respect to the protection of individual rights, he recommends statutory regulation of internal union affairs at three points, on the ground that "fundamental public interests" are involved: (1) provision that union admission requirements shall not discriminate against any qualified person on grounds of race, creed, or politics, (2) provision for individuals to appeal to the National Labor Relations Board in cases of unjust expulsion from their union, (3) provision for determination by the Board of charges against national unions that members of a local or district have been improperly deprived of the right to be represented by officers of their own choosing. Beyond these steps, the author, recognizing that outside regulation cannot remove the complex influences that lead to managerial and bureaucratic control of policy within unions, suggests that unions themselves resort to a rigorous separation of policy-making from policy-executing personnel, entrusting the former function to non-official executive boards elected by the membership for which employees and officials of the union would be ineligible. Unfortunately, this proposal involves a return to an historical stage of union development which most labor organizations today have outgrown, while the idea of a complete separation between policy-making and policy-execution flies in the face of the trend in both business and government administration and control.

The bargaining process of negotiating labor agreements is examined by Professor Slichter from the standpoint of trends in the attitudes and skills of the parties, and he finds the prospects for the future hopeful and promising. In spite of this conclusion, in his final chapter, "Trade Unions and the Public Interest," it appears that he is unwilling to rely upon collective bargaining as the principle for regulating conditions of employ-

ment, for, as he phrases it, under collective bargaining the freedom of the parties to fight each other is considered more important than the need of the public for continuous service. He identifies six situations in which he thinks strikes should be declared *prima facie* for an illegal purpose, three of which are defined in terms of the motive and effect of the strike, while three are defined in terms of industries providing essential public services: strikes (1) compelling employers to violate the law, (2) coercing the government, (3) forcing workers to change their union affiliation, and strikes in (4) hospitals and institutions, (5) railway transportation, (6) industries producing electric light and power.

Justified as Slichter may be in construing the temper of Congress and the public as insisting that something be done about curbing the power of unions, in this reviewer's opinion he would be on firmer ground if he had confined himself to consideration of restrictions consonant with the policy of a government committed to collective bargaining as the primary instrument for settling industrial disputes. Within this line of reasoning, he could have emphasized means of placing responsibility for settling disputes clearly on the parties, rather than replacing and shifting that responsibility to government, which follows from the act of depriving workers of the legal right to strike. He could then logically have recommended removal of the protection of the Wagner Act from workers striking to force other workers to change their affiliation, and perhaps to strikers and union officials compelling employers to violate specific provisions of law. But the "essential industries" approach leads to government determination of the employment bargain, which neither he, labor, nor management appears to want. The problem of strikes against the government also raises questions of a different order, but here Mr. Lewis' chickens are coming home to roost.

AVERY LEISELSON.

University of Chicago.

State-Local Relations. (Chicago: Council of State Governments. 1946. Pp. vii, 228.)

In January, 1945, the Council of State Governments created a committee of state officials and instructed it "to study the broad field of state-local relations and to develop a report with definite recommendations." Herbert R. O'Connor, governor of Maryland, was named chairman and Morton Grodzins was selected as director of research. *State-Local Relations* is the report of that committee. The committee undertook a comprehensive and thorough study of existing relationships, but did not make definite recommendations. Instead, the report carries "conclusions that have widespread applicability" and "alternative suggestions for *improved practices*." This decision not to make specific recommendations

strengthens the report. Because of the complexity of the problem and the variety of practices (even among different areas in the same state), specific recommendations would be widely regarded as too academic to be of practical value. We may hope that the report in its present form will "stimulate thinking and study" and encourage the cooperation of state and local officials in the solution of their common difficulties."

The report is presented in six parts: "The Growth of Government" (pp. 1-9), "The Administrative Relations of States and Localities" (pp. 11-55), "The Relative Fiscal Strength of States and Localities" (pp. 57-87), "Improving the Fiscal Position of Local Governments" (pp. 89-139), "Legal Relations of States and Localities" (pp. 141-181), and "The Multiplicity of Local Governments" (pp. 184-224). Each part is preceded by a one-page itemized summary, and these summaries are collected and reproduced as a "Summary of Report."

The report is the product of careful research including the examination of a wide variety of official documents and published papers. It is not, however, exhaustive, and it reveals some lack of balance. For example, approximately eighty pages are given to financial relations, but the problem of personnel relationships is given only scant and almost incidental attention. Architectural and engineering services, specifications and purchasing, are not recognized as significant areas of state-local relationships. The report appears to be a "desk" rather than a "field" study. Parts Five and Six present little by way of freshness either in subject-matter or in approach.

The summaries are the most useful aids included to facilitate the use of the report. There is no bibliography. The footnotes provide only partial coverage of sources and show some significant omissions. The index is inadequate; it lists the names of only five of the many authors mentioned in the text and footnotes, and carries references to only about one-third of the states. Items of substantial importance are omitted, while others are carried which appear to be of only casual or incidental importance. The reference purposes which the report might have served make these deficiencies especially regrettable. The graphic presentations are excellent, but too infrequently used.

In spite of these critical comments, the publication is both timely and constructive. The study brings together in a single volume sufficient samplings of existing practices to emphasize the importance of the problem and clearly to indicate present trends. Centralization, consolidation, or state dictation is obviously not the solution. The failure of the committee to make specific recommendations stresses the need for further study and experimentation. But the present report merits careful study.

HAROLD M. DORR.

University of Michigan.

How to Get into Politics. BY OLIVER CARLSON AND ALDRICH BLAKE. (New York: Duell, Sloan and Pearce. 1946. Pp. 210. \$2.50.)

It is not easy to lift politics and politicians out of the environmental setting. In this little book the authors have assumed that the art of winning elections is practiced according to simple rules that apply equally in all parts of the United States and at all levels. Although both authors have had much experience with such special election problems as recall elections and initiative legislation campaigns, they make no reference to these problems. Their precepts and observations apparently are drawn from campaigns by "independent" candidates in direct primary states where party organizations are not thoroughly established. There are chapters about budgets for the campaign, proper office settings and campaign headquarters, precinct workers, campaign literature, and proper timing of political moves. However, the easy-flowing homilies of the book are left with a gossamer thread of precept unsupported by illustrations. The few illustrations that can be identified by time and place are put in diffidently and immediately obscured.

Among the more interesting sections of the book are those dealing with the campaign budget and with the work in the precinct. General advice is offered the would-be entrant into politics on how to "discover where the money bags of gold are located." Although the public is penurious with politics, the skillful political manager or public relations man will get money from business: "one of the oldest phenomena of politics is the care-free manner in which otherwise cautious business men give to political campaigns." In planning the expenditures side of their campaign budget, the authors lead the reader through the workings of a district manager's mind as he jettisons various expenditure plans because the funds do not come in as hoped for. When forced to bed rock, he clings to one hundred precinct workers and some campaign literature. The campaign in the precinct, as every manager knows, is vital. The advice about probing the voter's mind, recording the information, evaluating the resulting pattern, and getting out the vote in the precincts is interesting and has a genuine note of realism.

The conviction upon which this book is based is that politics is the life-blood of American government, and that everyone may be bitten by the desire to "get into the game" at some time. To the would-be professional, a discouraging note is given: there is little take-home pay for the rank and file political organizer and worker.

This book perhaps was drafted at the luncheon table by two acquaintances who had had long experience with their subject in Mid-West and Western states and had decided to write a little book for the beginner. The student of political science will find little that is new. The book is pitched

at the ABC level. Its adages would be grist to the mill of political discussion groups.

WINSTON W. CROUCH.

University of California (Los Angeles).

Cogwheels of Democracy; A Study of the Precinct Captain. BY SONYA FORTHAL. (New York: The William-Frederick Press. 1946. Pp. 106. \$2.00.)

It is not to be supposed that this little book, published only last year, is a belated contribution to the understanding of practical politics. Dr. Forthal actually made her study about twenty years ago, and she has reported on it several times before gatherings of political scientists. She is, therefore, one of the pioneers. As Dr. Gosnell points out in the "Foreward," Dr. Forthal is a courageous woman: "There was no part of the city [Chicago] in the days of Al Capone that was too tough or dangerous for her to investigate." Despite the hazards, Dr. Forthal personally examined the operations of politics on its lowest, fundamental level, and brought back a singularly objective and unprejudiced report. For this we should be grateful, since it is extremely unlikely that local politics will ever again be as corrupt or brutal as in the late twenties and early thirties.

Although the conditions of political life in Chicago have changed, the precinct captain of today is not greatly different from the precinct captain of 1927. The turnover is not high, and many of the members of the present machine were active a generation ago. The modern Chicago politician is, however, not as lawless as his earlier counterpart. He does not feel impelled to beat up and murder his opponent as he did a generation ago. And, after fifteen years of domination by the Kelly machine, the lower units of party organization in Chicago have become relatively stable. In other respects, the author's analysis is still valid.

What Dr. Forthal has to say about the captains does not sound as though it were "new"—for the reason given above. She denies that there is "a typical precinct captain" (p. 45), but this is only a note of caution. The evidence she presents adequately sustains the conclusion that precinct captains are a type of political personality, with three distinct subtypes (captains from rich, middle-class, and poor precincts) and many minor variations. Most, in fact nearly all, of the captains were friendly persons, capable of giving the impression of having a highly personal interest in each and every citizen asking for relief. But they tended also to be suspicious of investigators, as though they realized that they were inadequate to the tasks which constituted their public justification. Privately, nearly all of the captains were cynical about their own and their colleagues' motives. They were "in the game" for the fun of it and for

economic gain. The majority were docile in their attitude toward superiors. Hardly any of the captains had any clear-cut views on politics. They seldom indulged in theoretical speculations. Ideologically, they struggled constantly to conform. The chief appeals used in getting out the vote were the "bread and butter" argument ("help me or I'll lose my job") and the appeals to fear or gratitude.

The most successful captains lived in the districts they represented, and reflected the educational, economic, and social attributes of their constituents. In Dr. Forthal's sample, the most numerous captains on a pro-rata basis, with respect to national origin were (in this order): Italians, Poles, British, old-stock Americans, Russian Jews, Irish, Norwegians, Austrians, Canadians, Czechoslovaks, Lithuanians, and Swedes. A study of the entire corps would probably have revealed a larger number of Germans. Most of the captains interviewed were born in Chicago; and of the fathers of captains who were of foreign birth, eighteen per cent were born in Germany, seventeen per cent in Ireland, and eight per cent in Poland. Seventy per cent were in governmental service—and nearly all the rest were rewarded for their combined social, economic, charitable, mediatory, and electoral duties by levies on the public purse: contracts, graft, tax remissions, etc.

No one has ever published an account of the flow of payments and receipts in a precinct or a ward. It is quite complicated. The average captain must dip into his own pocket for relief, for petty day-to-day expenses, for tickets, for contributions to the party chest, and for fees, bribes, and other payments to public officials who do "favors" for him. In return, he collects some fees himself from constituents he helps, shares in "the take" from corrupt operations in his precinct, and obtains campaign funds from the ward and central headquarters (\$25 to \$80 a precinct in the 1928 primary). It is not only the public which sustains the net cost of all this activity; in New York the reviewer knows a captain who paid out directly over \$1,000 in one year (not counting "entertainment" for constituents) and received in return official favors amounting to less than \$100. The average captain actually does not profit from the game of politics. But the entire system is wasteful, especially in cities dominated by political machines.

Dr. Forthal's remedies are those which every honest political scientist approves in principle: (1) break up political machines; (2) place all public employment on a merit basis; (3) establish a new, and flexible, kind of neighborhood relief organization; (4) make judgeships appointive and humanize the law; (5) put election administration on a non-professional, non-partisan basis; and (6) devise new means of financing the political parties. In practice, the average political scientist avoids involvement with these problems. And this is the fundamental reason why the lowest

and basic level of politics has not advanced very much beyond the condition it was in when Dr. Forthall made her initial observations.

ROY V. PEEL.

Indiana University.

Criminal Justice and Social Reconstruction. BY HERMANN MANNHEIM.
(New York: Oxford University Press. 1946. Pp. x, 290. \$4.00.)

This volume is a part of the International Library of Sociology and Reconstruction series initiated in Great Britain during the war to study various aspects of the existing social order and formulate plans for its reconstruction in the postwar period. Under the general editorship of Karl Mannheim, assisted by an advisory board composed of Harold Butler of Oxford University, A. M. Carr-Saunders of the London School of Economics, Fred Clarke of the University of London, and A. D. Lindsay, Master of Balliol College, a number of volumes on the sociology of education, art, literature, and politics have already appeared. In keeping with the purpose of the series, the present volume attempts to show how the work of social reconstruction might be effected in the field of criminal justice. This raises the question of what we regard as the most important values in a reconstructed world, and whether these values should be protected by the traditional devices of the criminal law or entrusted to agencies of a different character. In examining this question, the author, who is now serving as a lecturer in criminology at the University of London, divides his work into two parts: one dealing with "The Crisis in Values and the Criminal Law"; the other with "Replanning Criminal Justice." In Part I, nine closely packed chapters are devoted to an analysis of the content of existing criminal law and to a reconsideration of its applicability to a changing society. In Part II, three highly suggestive chapters are given over to the administrative problem which will confront us if his recommended changes in the substantive law are adopted.

In the author's view, there is a crisis in values today which makes it imperative to modify large sections of the criminal law. Accordingly, certain activities which are now treated as criminal offenses should cease to be punishable. In this category he places attempted suicide, euthanasia, and with qualifications, sterilization, strikes, and selected forms of abortion and homosexual activities. At the same time, he would bring into his new criminal law certain other types of anti-social behavior, such as the breaking up of the family home, usury, tax avoidance, dangerous monopolistic practice, and some forms of negligence. He would also relax some existing criminal legislation and bring it into line with modern psychological and sociological knowledge, as in the case of murder and theft; or strengthen it, as in the case of fraud, profiteering, and other more refined

forms of economic offense. Such a wholesale shifting of emphasis from simpler to more complicated types of anti-social behavior will be impractical without an equally determined re-thinking of the functions of the criminal law and its relations to kindred branches of the law, involving less emphasis on the protection of individual rights and interests and more on the rights and interests of the community at large. He believes that this can be achieved better by large-scale preventive action than by punishing individuals after the fact. Such large-scale preventive action would be of an administrative rather than a judicial character, and would employ such devices as the issuing of licenses and permits, fixing of price and interest rates, etc. This redistribution would effect basic changes in the relationship between the criminal courts and administrative agencies and restrict the courts in many fields to the formal side of the question at issue. In similar fashion, impetus would be given to recent movements tending to oust the criminal courts from the penological sphere and replace them by such agencies as "treatment tribunals," "youth welfare councils," "pit tribunals," etc.

In brief, this volume presents a compactly organized survey of recent trends of thought in the field of criminal justice and a twenty-five-point working program for the future. While many of the suggestions advanced will undoubtedly prove highly controversial and may not be realizable at any early date, the volume should be useful and stimulating not only to the practical worker in the field, but to the discriminating general reader as well. As an integral part of a series of volumes on social reconstruction, it has accomplished its purpose very well indeed. A selected reading list and an index of authors and of subjects are appended.

FRANCIS R. AUMANN.

Ohio State University.

Public Investment and Full Employment. BY BENJAMIN HIGGINS. (Montreal: International Labour Office. 1946. Pp. ix, 348. \$2.25.)

In planning for full employment, most countries are assigning an important rôle to public investment as an effective agent for combatting cyclical unemployment. This thorough analysis of international experience with public investment by Benjamin Higgins of the I.L.O. staff makes a persuasive case for carefully planned, properly timed public investment. It also dispels effectively some common misconceptions on public investment that are still current as a result of the misapplication of this technique during the thirties. In the interwar period, as this study shows, all nations, with the possible exception of Sweden, did complete violence to now accepted principles of planning and initiating public investment. The incisive analysis of United States experience with PWA, CWA, and WPA is of particular interest and importance in this connection.

Both specialists and non-specialists will profit from Part I's analysis of the postwar employment problem and the relation of public investment to employment policy. Parts II and III deal concretely with financial and technical problems in the timing of public investment. Part IV analyzes the "lessons of the thirties." Part V contains a highly useful factual account of the postwar public investment plans of Australia, Belgium, Canada, Sweden, Switzerland, the United Kingdom, the United States, and a number of "capital scarcity" countries. For the technician, the study contains two valuable appendices dealing with the estimating of process effects and planning public expenditures other than investment.

While this study's recommendations on future policy may not evoke universal agreement, the practical program suggested is carefully reasoned and the analysis of past mistakes is well-nigh irrefutable. No extravagant claims are made for the magic properties of public investment. The limitations of the technique are explored thoroughly. The searching exposition of barriers to effective planning and timing of investment at local-governmental levels does not prevent Mr. Higgins from concluding that "integration of public investment planning need not mean domination by the central government" (p. 298).

If this otherwise dispassionate survey has a message, it is the "international importance of domestic public investment" and the consequent need for consultation and coöperation among nations in planning their public investment activity. The study is somewhat meager, however, on suggestions as to practical integration of national plans at the international level.

At this writing, it is not clear that the United States has profited by the lessons of the thirties in the public investment field. This I.L.O. study is a valuable contribution. The reviewer is prompted to suggest that it deserves a prominent position in the library of President Truman's Council of Economic Advisers.

HAROLD W. DAVEY.

New York University.

The British Year Book of International Law, 1945. (London: Oxford University Press. 1947. Pp. vi, 341.)

The appearance of this volume, marking the twenty-second year of issue of the periodical under auspices of the Royal Institute of International Affairs, should be of more than passing interest to all serious students of the legal aspects of international relations. Much of the material, aside from summarized decisions of English courts in 1943-44 and from book reviews, relates to public international organizations, while some comprises historical or analytical discussion of substantive international law,

some has to do with applications of international law during the Second World War, and some falls within the domain of conflict of laws.

Under the first of these divisions would come particularly the 62-page article by C. Wilfred Jenks on "Some Constitutional Problems of International Organizations." The author submits that "international lawyers must now be prepared to recognize as one of the major divisions of their subject the comparative law of the constitutions of international organizations" (p. 11), and examines, on the basis of texts and practice, such questions as the composition of representative organs, voting, suspension of rights and privileges of members, jurisdictional immunities, amendments, and finance. In a separate note, Mr. Jenks discusses the legal personality of international organizations. The *Year Book* also contains a brief note, signed by a single initial, on "The Relationship of International Organizations to Municipal Law and Their Privileges and Immunities." Articles of Agreement of the International Monetary Fund and Articles of Agreement of the International Bank for Reconstruction and Development are analyzed, from the legal point of view, in a note by F. A. Mann. Logically relatable to the subject of international organization, but not restricted thereto, is the article on "International Civil Aviation and the Law" by R. Y. Jennings, who writes critically of the limited progress made in this field.

There is a short but instructive article by J. Walter Jones on "Leibniz as International Lawyer." The historical development of rules is examined in an article on "Territorial Waters: The Cannon-Shot Rule," by Wyndham L. Walker, who presents the thesis that the three-mile limit may have had no common origin with the cannon-shot rule as taught by Bynkershoek on the basis of practice. Less historical and more analytical is an article by Lauterpacht on "*De Facto* Recognition, Withdrawal of Recognition, and Conditional Recognition," one by Schwarzenberger on "The Most-Favoured-Nation Standard in British State Practice," one by J. Mervyn Jones entitled "Who Are British Protected Persons?" and one by Lipstein on "The Place of the Calvo Clause in International Law."

The practice of Great Britain as a belligerent in the Second World War receives attention in an article by Fitzmaurice on "Some Aspects of Modern Contraband Control and the Law of Prize," in the course of which the author examines the international legality of such techniques as requisitioning, the use of navicerts (particularly under the "compulsory" navicert system), and rationing of neutral countries. The subject of "Open Towns," with special reference to experience in the recent war, is discussed in a note by "R. Y. J.," and there is a note by Norman Bentwich on "Legal Aspects of the Restoration of Ethiopian Sovereignty."

Primarily in the field of conflict of laws is an article by J. H. C. Morris

on "The Transfer of Chattels in the Conflict of Laws" and a note by Norman Bentwich on "Jurisdiction of English Courts in Divorce and Nullity." Not easily classifiable under any of the divisions suggested above, but dealing effectively with a familiar subject, is an article on "International Law and the Controversy Concerning the Word 'Law'," by Glanville L. Williams, who submits that the dispute as to whether international law is "law" is a mere verbal one and should be brought to an end.

ROBERT R. WILSON.

Duke University.

The Process of International Arbitration. BY KENNETH S. CARLSTON.
(Columbia University Press. 1946. Pp. 264. \$4.50.)

Though the problems of power politics appear to overshadow strictly legal issues these days, it is helpful to remember that international law, after all, possesses methods for the adjustment of international differences, and that these procedures, with a long tradition back of them, are available if and when the international scene becomes more settled. One of the most venerable of these pacific settlement procedures, of course, is that of arbitration; and in this scholarly and well-documented volume Professor Carlston, of the University of Illinois, has offered a valuable analysis of the accumulated rules involved in the arbitral process.

This is a book for the technician in international law. It is not for the layman and does not purport to be such. Professor Carlston is writing for lawyers, for those in foreign offices who handle claims and judicial questions, for persons who may be asked to serve on arbitral bodies, and for experts in the field of pacific settlement in general. The main chapter titles give an indication of the scope of the work and of its rather technical character: "Procedure"; "Minimum Procedural Standards"; "Jurisdiction"; "Doctrine of Essential Error"; "Finality of the Award"; "Rehearing"; "Appeal"; and "Future Progress."

In dealing with each of these subjects, the author indulges in no abstractions. His pages are filled with detailed case studies, and his generalizations are based upon sound and solid practice. Students of international law will find much of interest in his dissection of some of the more familiar cases, such as the Hungarian Optants case, the Orinoco Steamship Company case, the Cayuga Indians case, and the Chamizal arbitration. Professor Carlston agrees that the American Commissioner in the last-named was correct in his criticism of that much discussed award. In addition, many less familiar arbitral and claims commission cases are brought forth for careful scrutiny.

Probably the most controversial feature of the book is Professor Carlston's assumption that arbitration is in essence a judicial process. He

agrees completely with Judge Moore's thesis in this regard and maintains, both in the preface and in the conclusion, that arbitration is not to be distinguished from judicial settlement. In fact, he includes the work of claims commissions and that of the Permanent Court of International Justice right along with the procedures of agencies specifically designated as arbitral courts or commissions.

This grouping together of forms of pacific settlement which in most orthodox volumes are clearly differentiated is a matter about which international lawyers will doubtless disagree strongly among themselves. This reviewer, for one, is not convinced that arbitration is really a judicial process or that it serves any useful purpose to try to merge the two. Fusion leads to confusion. A difference of opinion on this aspect of the question in no way, however, impairs the value of Professor Carlston's contribution. He has performed a remarkable task in assembling widely scattered data in this veritable guide-book to the ways and means of preparing, conducting, and evaluating an international arbitration. The array of evidence is so impressive and the number of awards cited is so numerous that craftsmen in the field can take new heart in the efficacy of at least this branch of international law.

PAYSON S. WILD, JR.

Harvard University.

Our Vichy Gamble. BY WILLIAM L. LANGER. (New York: Alfred A. Knopf. 1947. Pp. ix, 412. \$3.75.)

An outstanding diplomatic historian here turns his hand to a readable, much-needed, and sober account of the cause of the hottest foreign policy controversy in recent years—our relations with the tainted Vichy régime in France from 1940 to 1943. In spite of an unobtrusive air of defensiveness, this is not an official apology. For the most part, Mr. Langer lets the facts unfold whatever logic there was in the government's policy. To his experience as chief of the Research and Analysis Branch of the OSS, the author has added a fine combing of sources ordinarily veiled for years after the event, and conversations with many principals. The alacrity with which this material has been made available is a good sign; it is also a tribute to the scars left by critics.

Mr. Langer's conclusion is that the Vichy policy was "sound but unattractive," frankly unsentimental, non-ideological, and opportunistic. Based on political realities and military requirements, this policy was not as simple and clear-cut as it appeared to the uninformed layman; there were uncertainties, difficulties, and conflicting choices. It was a "hand to mouth policy" which was never completely trusted. The number one objective was to protect American interests. In particular, the flow of intelligence had to be secured, the French fleet had to be kept out of

German hands, and North Africa had to be preserved as a future Allied base. Immediately after the fall of France, relations between Washington and Vichy were not severed, because there was no good reason for so doing. Later, definite advantages could be attributed to this decision. In terms of objectives and results, the policy was largely successful on all counts. Mr. Langer directs special praise to the Murphy-Weygand Economic Accord.

The core of the problem as it developed could be formulated thus: DeGaulle or Vichy? Until 1942, DeGaulle "had little to offer us," and after he gained power and stature we did not transfer our support to him because of personal distrust, underestimation of his strength, and reluctance to disturb intelligence communications. American interests were better served by making the choice we did. Given the same situation, Mr. Langer believes that we would do it the same way again, despite the Laval and Darlans.

Critics of the Pétain connection were "liberals and radicals" who based their semi-hysterical viewpoint on ideological considerations—an unfortunate basis for accurate thinking about foreign policy. Neither did they perceive that everyone participating in the Vichy government was not a fascist. But Mr. Langer does not really do the opposition justice. And the fact that he was writing about persons still active in high politics undoubtedly restrained his critical judgment. It does not follow, however, that if these minor weaknesses were corrected Mr. Langer's thesis would be fundamentally altered.

By implication at least, this study tends to minimize the relationship between forms of government and diplomacy; "the task of the Department of State is to protect American interests abroad, not to sit in judgment on other governments" (p. 383). Can such a neat line be drawn? Further, does not a country have long-term as well as short-term interests? Is it not a question of priorities rather than American interests versus moral principles and sentiments?

One can chip away at Mr. Langer's case, but he cannot pull down its basic structure. Most people will have to go along with him, although they probably will not be happy about it.

RICHARD C. SNYDER.

Princeton University.

Seizure of Territory; The Stimson Doctrine and Related Principles in Legal Theory and Diplomatic Practice. BY ROBERT LANGER. (Princeton: Princeton University Press. 1947. Pp. viii, 313. \$3.50.)

One can hardly escape reflective memories while reading Mr. Langer's record of the failure of pacific nations to use non-recognition effectively as a means of discouraging the aggressive seizure of territory. His history

covers principally the period between wars when representatives of nations talked as if international law were real and applicable, but acted with lukewarm devotion to its application.

The record is well presented here in summary, based largely on salient quotations from documents. Article 10 of the League Covenant implied an obligation on the part of member nations to refuse recognition to the seizure of territory from members, but was never interpreted with any force until the League revived long enough, in December of 1939, to exclude the Soviet Union for its action in Finland. Previously, no conclusive measures had been taken in the cases of Manchuria, Ethiopia, Austria, Czechoslovakia, Albania, and Eastern Poland. In each case the League was notified, even long after it was evident that no action could be expected. The main verbal support for non-recognition in these years of the League's decline, until the outbreak of the Second War, came from Litvinov of the U.S.S.R., Wellington Koo of China, and Jordan of New Zealand. Their voices were earnest, but unheeded.

Outside the League, Mr. Langer finds that the United States has been consistent in advocacy of the policy of non-recognition since 1932, although it has diluted its practice, as have other nations when they have also advocated the policy, due to the need for maintaining relations for trade and observation within the territory seized by conquest. The most precise and the original statement of the current United States policy was in Secretary Stimson's note to China and Japan in 1932, when he said that the United States would not recognize as *de facto* any situation in Manchuria which might impair the treaty rights of the United States or its citizens. In fact, the United States, alone and as a participant in the Inter-American agreements which have accepted the principle of non-recognition, is the major power which has contributed most to the formulation and application, mild as it may have been, of the doctrine.

Mr. Langer's history of the failure to use non-recognition to discourage aggression is the most interesting and useful part of his book. He makes no attempt, however, to penetrate the political forces which caused the failure. In his conclusion he says only that "the fixation of appeasement developed in the statesmen of the League Members a mental process which caused the sense of a legal duty of non-recognition to wither away." There is no analysis of the whole complex of economic, military, and domestic political factors which produced appeasement. He is concerned with non-recognition almost exclusively as a matter of international law, and his book should be taken for what it is. The background must be filled in from other sources.

The doctrine of non-recognition will continue to be, Mr. Langer concludes, a fundamental principle of the law of the Americas. For the rest of the world, he offers an interesting possibility. After finding that non-

recognition is not provided in the United Nations Charter, and after expressing doubt because of the veto that the Security Council provisions for joint action against an aggressor will serve as a substitute, he thinks that a time may come when member states, having been thwarted by the voting procedure in their desire to help an invaded country, will fall back upon the device of non-recognition of the seizure of territory and thus offer the aggrieved state some comfort. But here again the concern is with legal steps. We are not told how non-recognition without the use of military force will chase an aggressor nation out of the territory it has seized from a weaker nation; nor are we told if and how the adoption of a legal measure alone, without military action, will really prevent aggression once a nation has decided to grab territory.

JAMES L. McCAMY.

University of Wisconsin.

The United States Moves Across the Pacific. BY KENNETH SCOTT LATOURETTE. (New York: Harper and Brothers. 1946. Pp. ix, 174. \$2.00.)

A Short History of the Far East. BY KENNETH SCOTT LATOURETTE. (New York: The Macmillan Company. 1946. Pp. 665. \$4.50.)

The average American college library contains several hundred books dealing with various phases of life in Japan, China, and India. Some of these books are good, some bad, some indifferent, but nearly all of them have been rendered more or less obsolete by the events which took place during the hectic war years. At the same time, American participation in Far Eastern affairs and responsibility flowing from political and economic developments in that area is greater than ever before. College students and faculty members are keenly aware of this fact, and there is a strong demand for authoritative interpretations of the Far Eastern scene. It is not surprising, therefore, that the past year has seen the appearance of a large number of books dealing with various phases of Eastern Asia. Among the most notable and most important are two which come from the pen of Professor Latourette.

The United States Moves Across the Pacific is a short, general study of the present situation and what this situation may imply for the future. It is easy reading and can be warmly recommended to all persons both in academic and in non-academic circles who are striving to secure a clearer picture of the Far Eastern scene. The first part consists of a brief but excellent historical summary of America's participation in Far Eastern affairs, and stresses the heavy responsibilities which the United States has assumed in Asia, from which there is no escape in the foreseeable future. The second part deals with present conditions in China, Japan, and the other parts of Eastern Asia, including the East Indies. It constitutes a summary, a very fair and unbiased summary, of the political, social, and

economic factors with which America must reckon before deciding which policy or policies to adopt in dealing with Oriental affairs. The third and final part discusses the various policies which the United States might adopt in the immediate future with respect to these various Oriental countries and makes some recommendations with regard to these policies. It is obvious that not all readers will agree with all of the recommendations made, but at least Professor Latourette's ideas are sane, well balanced, and at the same time thought-provoking.

The other book, *A Short History of the Far East*, is obviously intended primarily as a text-book for class-room use, or for assigned outside reading, and hence it will be of less interest to the general reader—which is a pity since the book contains many facts and conclusions which should be of interest and value even to members of ladies' literary clubs. Apart from a brief outline of the geographic background, about half of the book deals with the history of India, China, and Japan down to the coming of the Europeans in the eighteenth and nineteenth centuries, while the other half deals with modern and contemporary history and ends with a survey of the political situation in 1946. In attempting to paint such a broad canvas, it is obvious that Professor Latourette has had to encounter difficulties. In trying, for example, to outline the whole of Chinese history from the earliest times to 1800 A.D. in a little over a hundred pages, the author has been hard put to decide which facts to include and which to leave out. Some critics may carp that some important facts have been left out and other less important ones put in, but on the whole the selection of data has been a wise one. Certainly Professor Latourette has tried, and successfully, to be scrupulously fair to all sides, and no inclusion or exclusion of facts can be laid to bias. In writing this book, the author has leaned chiefly upon secondary rather than upon primary sources, but as a general work covering this important phase of world history the volume can be warmly recommended.

WILLIAM M. MCGOVERN.

Northwestern University.

China's Destiny. BY CHIANG KAI-SHEK. Authorized translation by Wang Chung-hui. (New York: The Macmillan Company. 1947. Pp. xi, 260. \$2.75.)

China's Destiny received much publicity before it was translated because of the position of the author and because of what he was reported to have said at the time when the first edition was published in Chinese. It seemed strange that the head of a state engaged in war should publish what was reported to be a bitter criticism of his allies. Then there developed some controversy over the question of translation. All of this made people curious about the book.

This official translation takes into account the controversy by printing an appendix containing "Notes on the Original Edition of *China's Destiny*," showing textually the changes made in the revised edition, which is the one translated. These notes indicate that the revised edition was made more accurate factually, and that there was some toning-down of the first edition. Otherwise it appears that the revision, for purposes of translation, retains the original version substantially unchanged.

The major emphasis in the book is on the "unequal treaties" and their effect on China's development. Chiang Kai-shek presents the conventional Chinese thesis that China's modern plight has been largely a result of Western imperialism and of Manchu misrule and subserviency, which made possible the imposition and maintenance of the treaties. The final revision of the treaties—which *China's Destiny*, given the time of its original publication, may have been designed to celebrate and commemorate—has the effect of placing the responsibility on China and the Chinese for the future development of the country. "... in the past, China's destiny depended on whether the unequal treaties could be abrogated or not, for that was precisely the issue which was to decide her future. Now that the unequal treaties have been abrogated, the question to be decided is whether China can be unified politically and whether her national power can be consolidated or not. In the past, China's destiny depended upon diplomacy: it was in the hands of foreign imperialistic powers. In the future, China's destiny will be decided by herself; it will be in the hands of her own people" (p. 215).

In his consideration of problems of revolution and reconstruction (the treaties having been dealt with successfully), Chiang identifies his own views with those of Dr. Sun Yat-sen, as expressed particularly in the San Min Chu I. It is this part of the book which will be of particular interest to political scientists. Here he discusses the "five important aspects of reconstruction, namely, psychological, moral, social, political, and economic" (p. 152 ff). The instrument of reconstruction, Chiang believes, must be the Kuomintang. "... Sun Yat-sen said: 'Every Chinese citizen has not only the right but also the duty to be a member of the Party.' The same statement applies to all the youth of the nation with respect to the San Min Chu I Youth Corps. The Kuomintang and the San Min Chu I Youth Corps together constitute the directing center for the execution of this task [of national reconstruction]" (p. 214). Again, "The independence of our nation hinges upon the success of the Kuomintang Revolution. Without the Kuomintang, there would be no China. In a word, China's destiny is entrusted to the Kuomintang" (p. 220). Given this view, and given the internal situation in China both at the time of writing (1943) and now, the problem of reconciliation of Kuomintang and Communists would seem to be unsolvable. On this, Chiang's answer is: "So long as the

different ideologies and organizations in China do not take the form of regional domination by force or open antagonism to the Revolution, so long as they do not obstruct the war of resistance by armed force, so long as they work in the interests of the nation, the Revolution, and national reconstruction, I have not only no intention of checking them but on the contrary wish them progress and success" (p. 221). In other words, read with Chiang's identification of the Revolution with the Kuomintang, the Communists and other dissidents will be tolerated if they give up their armed forces and work within the Kuomintang to accomplish revolutionary purposes as defined by it. That is their destiny if China's destiny, as prescribed by Chiang Kai-shek, is to be realized.

HAROLD M. VINACKE.

University of Cincinnati.

Russia in Perspective. BY GEORGE SOLOVEYCHIK. (New York: W. W. Norton and Company. 1947. Pp. 244. \$3.00.)

The highest tribute which one can pay this book is that it is journalism of a very superior order. The author cuts no new scholarly furrows. Most of the material which he presents will be familiar to those versed in Russian history. Yet as a *vade mecum* for those who come fresh to the Russian problem, the book has a useful rôle to play. It is soundly grounded on the premise that the Soviet régime is the child of Russia's prerevolutionary past, and that it is therefore important to study that régime against the perspective of the historical factors which have conditioned its emergence and development. Within the limits of the space available, the author has provided an interpretative vignette of Russian history from Rurik to the Bolsheviks that is lively, incisive, and suggestive.

Mr. Soloveytchik, the foreword informs us, was born and educated in Russia. Compelled to leave by the Bolshevik Revolution, he became a subject of Great Britain, where he has had a distinguished career as a publicist. As an émigré from his native land, he combines a warm love for the Russian people with an equally warm distaste for their Bolshevik masters. As a result, he finds himself in the rather curious predicament of being a protagonist for the recognition of Russia's legitimate national interests at the same time that he advocates a firm policy of resistance to Soviet imperial pretensions. While these two positions are perhaps reconcilable, Mr. Soloveytchik's own reconciliation is left vague and undefined.

The primary value of the volume is in its emphasis on the continuity of Russian history. While this approach tends to play down and even neglect the extent to which Russian Communism received its ideological nourishment from the West, it furnishes a healthy corrective to those shallow views of Soviet politics which ignore the specifically Russian influences that have shaped the character of Soviet institutions. Soloveytchik gives

us a far more sympathetic account of nineteenth century Tsardom than that to which we are accustomed. While his emphasis on industrial progress, social and legal reforms, and intellectual activity is a welcome reminder that the record was not all black, his tendency to dance lightly over darker passages raises some troublesome questions about his own sense of perspective. As one would expect, Mr. Soloveytchik puts particular emphasis on those aspects of Soviet development which have borrowed from the past. He is particularly concerned to stress the recent resurgence of Russian nationalism and to identify it with its Czarist paternity. "Being more nationally conscious than ever," he tells us, "Soviet Russia is much more concerned with her own affairs and interests than with abstract revolutionary doctrine. . . . Today, after twenty-eight years, the storm has nearly subsided and the majestic stream of Russian history is resuming its normal river bed again." While persuasive evidence can be adduced to support this proposition, recent events suggest the more cautious course of treating his thesis as a tentative hypothesis rather than as a verified conclusion.

MERLE FAINSD.

Harvard University.

Blueprint for World Conquest; The Official Communist Plan. With an Introduction by William Henry Chamberlin. (Washington-Chicago: Human Events. 1946. Pp. 264. \$3.50.)

This book will disappoint many who will buy it because of its promising title. It does not contain a description of present-day Soviet policies. Rather, it reprints three documents of the Third International published as early as 1921 and 1928; and W. H. Chamberlin introduces them with some remarks on the aggressive policies of the U.S.S.R. in our time. Therefore the volume does not fulfill its purpose. It does not give a survey of the Communist plans for world conquest. The three Comintern documents are given without any commentary and without explanatory notes. The specialist will read them in the original editions, and for the non-specialist many passages will be unintelligible.

It is a pity that the volume does not cover the whole development of Soviet foreign policies by presenting documents to illustrate its various trends. Even the development of the Comintern is not covered. Only after 1928 did it adopt the so-called People's Front tactics, which tried to use as allies the moderate Socialist parties, previously most bitterly attacked and denounced as Social Fascists and betrayers of the world proletariat. Chamberlin quotes from Lenin and Stalin, but the quotations ought to have been amplified in order to make the reader aware of the permanent and changing features of Soviet policies.

Despite M. Laserson's useful collection of documents on Soviet foreign

policies (*International Conciliation*, 1943), the general American reader does not have at his disposal a documentary survey of U.S.S.R. relations with the capitalist world, and the volume under review is surely not able to fill the gap. It may even serve as ammunition for those who (unjustly) claim that any publication critical of the U.S.S.R. must be based upon unscientific, biased propaganda. An anti-Communist attitude may be praiseworthy, but cannot replace completeness and research.

WALDEMAR GURIAN.

University of Notre Dame.

The Struggle for the World. BY JAMES BURNHAM. (New York: The John Day Company, Inc. 1947. Pp. 248. \$3.00.)

This book, the author tells us, is concerned with realities, not with mere phrases. In the words of Professor Burnham: "The abstract, empty, sentimental rhetoric of democratic idealism prohibits the understanding of political events." Proceeding with a factual analysis, the author points out that we live in a world revolution, embracing the whole period since the Russian Revolution of 1905. The phrase "One World" has almost no bearing at all. Common humanity has never prevented the peoples of this planet from always being divided, from always fighting. Nothing we can do will guarantee permanent peace. Power politics is the only kind of politics in existence. The realities of the struggle for power are overlaid with a crust of pseudo-moral platitudes. In view of these facts, the author contends that the United States should face the facts and the responsibility of power. A non-Communist world federation is the only rational objective for the United States foreign policy—the only way to meet the ultimate aim of the Communist International and world Communism. Under the leadership of the United States, a "World Empire," or, "a democratic world order," should be built on the basis of the already existing "empire" in the Pacific and Atlantic Oceans, of continued coöperation within the Western Hemisphere, and of "Union Now" with Great Britain and her dominions, as well as by creating the Western *Bloc*. Finally, the Russian advance in the Near East must be stopped by the Moslem *Bloc*. This ambitious program cannot be accomplished by a policy of vacillation, not by a defensive but only by an offensive policy.

This way of thinking is indeed a revolutionary departure from the Platonic doctrine of ideas in politics which has characterized Western politics. But it is only a first step back to Protagoras. In his appraisal of the various political groups seeking power in the twentieth century, Mr. Burnham uses time-honored but nevertheless confusing terms such as "reactionary," "capitalist," "democrat," "socialist," "Marxist," "Communist," "totalitarian." A consistent realist who studies group life should

first try to visualize the men concerned and then probe their ideological advertisements and the calumnies of their opponents. He should rely upon more specialized terms, as for instance the following socio-historical groups: (1) the "wealth and wisdom" group, to use a Jeffersonian term (in Germany called *Besitz und Bildung*), the collapse of which, beginning at the time of the Russian revolution of 1905, was responsible for the World Revolution; (2) the petite bourgeoisie, a group which, after the doom of the older aristocracy following World War I, best described as the "Robespierre group," anticlerical but pro-property with aspirations of social equality and full security, was defeated in France in 1940, in Italy and Germany in 1945; (3) the old traditional labor party, which, with skilled labor as its nucleus, assumed power in Germany and temporarily in England, France, and elsewhere, advancing a program of sharing the wealth, but failing because of its doctrinaire and diffident attitude; and finally, (4) a second, younger labor group, the new labor party, the victorious heir to power in Europe, made up of propertyless, semi-skilled, and unskilled mass-production labor, accustomed to obedience as Russian half-serfs, as workers on the "running belt," and as a result of distressing conditions.

The "wealth and wisdom" group, by its suicide, destroyed the leadership of the Western civilization in the world. The ascendancy of the new labor group can be overcome only by its internal decay or by uniting the other groups, namely, traditional labor, the Robespierre group, and the divided remnants of the wealth and wisdom group in common resistance.

In addition to making the terminology more realistic, Mr. Burnham might also have been more realistic as to the facts. His strategic plan for building a democratic world order is based on retention of a monopoly of atomic weapons by the United States, and, in an emergency, on "striking an immediate paralyzing blow at the Caucasian oil fields, Moscow, and a dozen or more of the chief Soviet and Soviet-controlled cities and industrial concentrations." Is this realistic? The decisive fact in the last war, which, however, Mr. Burnham does not mention, was the impossibility on the part of the Western Powers of bringing more than ninety divisions to the European theater, where Russia already had about five hundred. This power relation has certainly not improved for the West. In fact, it has deteriorated. Western naval and air supremacy cannot make good this deficiency on the European continent. Planes can destroy, but cannot conquer. On the other hand, neither can Russia conquer the Americas. Eagle and Bear will confront each other for a long time to come. Yet the vertical or social battle within all the countries of this planet will continue.

HUGO FERDINAND SIMON.

Northwestern University.

The Coming Crisis. By FRITZ STERNBERG. (New York: The John Day Company. 1947. Pp. 280. \$3.50.)

It is apparently the unhappy destiny of modern industrial man to live either in a period of acute crisis marked by war or depression or in a period of uneasy anticipation of impending crisis. *The Coming Crisis* will be valuable to those genuinely interested in the economic future of the United States. It should be read by both liberals and conservatives, because it is a penetrating analysis of conditions in 1947—a period, by almost universal agreement, of uneasy anticipation.

Part I, "The Crisis and the Two World Wars," is slow-moving, overburdened with statistics, and weakened by repetition. Moreover, the theme is not novel. To Mr. Sternberg, the depression of 1929 was unique in that the capitalist system indicated no ability to recover from it and to continue the expanded level of production which characterized the capitalist system of the nineteenth century. Domestic markets could not be expanded sufficiently to restore production to pre-depression levels. The unholy combination of imperialism and feudalism had so limited the development of industrialization in colonial areas that capitalism could no longer increase production by exploiting dependent areas. The approach is not new, but the conclusions are clear. Capitalism after 1929 was, according to Mr. Sternberg, in sorry straits.

In Part II, "The Challenge of the Next Crisis," things really begin to move, and Mr. Sternberg offers something of a solution. It now appears that we are facing the return of a depression which it took a war to get us out of in 1939. We must prepare to meet this depression at a time when World War II has upset many traditional social and economic relationships. All this at a time when the greatest—one might almost say the only—capitalistic country, the United States, is moving to the right and the rest of the world is moving to the left. American capitalism is now running with a wide-open throttle; but, according to Mr. Sternberg, it faces a very uncertain future. Once present demand has been satisfied, will capitalism operate at a level approaching full production? No, says Mr. Sternberg. The crisis of 1929 demonstrated the "inability of American capitalism to expand further to any great extent within its own frontiers." Today, the productive capacity of the United States far exceeds that of 1929. To expand its frontiers, "the total sum of real wages must increase by between thirty and forty per cent as compared with prewar levels." But no one believes that any such increase in wages is possible. Yet failure to act "inevitably means a crisis."

This reader believes that Mr. Sternberg may be correct in his contention that we shall be called upon to cope with another depression, but he cannot agree that "the problem would be simple enough to solve in a socialistic society based on economic planning. . . ." Simple, isn't it? Yet

there are some fundamental questions which Mr. Sternberg avoids. Is democracy compatible with planning on such a broad scale? Are we capable of such planning? Mr. Sternberg, of course, realizes that any such solution is impossible in the United States today and contents himself with the statement that "the state must accept formally the responsibility for maintaining full employment." Not at all a novel suggestion; but one can find many who would challenge it.

The reviewer has always maintained that American capitalism possesses more flexibility and recuperative power than is usually credited to it by some "liberals." But any observer of the contemporary scene must admit that many of the most extreme supporters of capitalism, by their very excesses, do encourage the inevitability of the coming crisis and, incidentally, increase the accuracy of Mr. Sternberg's prophecies. Capitalism can avoid another depression, but too many of its leaders lack real vision. As Mr. Sternberg implies throughout this discussion of the future of capitalism, the proponents are more likely to destroy it than are the opponents. Truly, the study of economics is the "gloomy science."

LAWRENCE L. PELLETIER.

University of Maine.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

In his *History of the Labor Movement in the United States from Colonial Times to the Founding of the American Federation of Labor* (International Publishers, 1947, pp. 576, \$4.50), Philip S. Foner proposes to refurbish and reinterpret the story of the workers' struggle to secure political and economic freedom in America. After acknowledging the value of the pioneering work of John R. Commons and the "Wisconsin School," the author denies the validity of their institutional or pragmatic theory (which he calls "an apologia for Gomperism") and dedicates himself to the task of presenting a "new interpretation of the history of the labor movement in the United States. . . ." His selection of materials and his interpretations thereof clearly indicate, however, that he too has a definite bench-mark—the class struggle. He denies the assumptions of his precursors that the American labor movement has been and should continue to be merely a matter of job consciousness and sets forth the documented claim that American workers have long been politically conscious and must continue to be so as leaders in the "struggle for socialism." In developing his theme, Dr. Foner has utilized an impressive array of source materials; with its generous footnotes and copious quotations, the book reads like a doctoral dissertation. We are first told of the appalling lot of colonial workers, especially of indentured servants who "probably [comprised] half the immigrants to Colonial America," and then are in-

formed of the constructive part played by labor in the American Revolution and in the subsequent Jeffersonian and Jacksonian political upheavals. The account of labor support of the new Republican party makes interesting reading, particularly where we are reminded by a quotation from the *New York Herald* (1860) that, once the Republicans were victorious, the workers "would soon turn their attention to the goods and chattels of their wealthier neighbors, having been long taught by the leading Republican journals the doctrine of the communists that "all property is robbery'." The last half of the book is devoted to a detailed account of the painful efforts put forth to establish trade unions as really effective economic and political instruments for improving the workers' lot. The story comes to a close with the Pittsburgh convention of 1881, at which time the American Federation of Labor was founded. Another volume is in preparation which will bring the record up to date. There is a tendency to pass lightly over the evidence of labor's traditional capitalistic-mindedness and to minimize the support received by the workers from across the tracks. Moreover, the formidable task of compressing so much material into a single volume has encouraged the author frequently to base broad generalizations upon unsupported assumptions or single incidents. This tends to keep the reader on guard. But Dr. Foner presents a challenging and useful book which cannot be ignored by students of the American scene in general or of the labor movement in particular.—WALLACE BREWSTER.

The period from 1933 to 1941 spanned the time from the christening of the Good Neighbor policy to the entrance of the United States into World War II, a development which resulted in the greatest test to which the Buen Vecino had yet been subjected below the border. Mexico, our nearest Southern neighbor, was in many ways the touchstone of the interactions with the Latin American states. An intimate view of United States-Mexican relations during those years, then, would logically be of great significance in an assessment of the early years of the Good Neighbor policy. Such a view is afforded in Josephus Daniels' *Shirt-Sleeve Diplomat* (University of North Carolina Press, 1947, pp. xix, 547, \$5.00), the fifth volume of his autobiography. Ambassador Daniels is essentially a reporter, and his news coverage of his own tenure as chief of mission in Mexico for almost a decade is broad. He deals with the awkwardness involved in his appointment (to many Mexicans his name suggested only the unfortunate Navy expedition against Vera Cruz in 1914), with the successive presidents and foreign ministers with whom he had close contact, and with such topical problems as claims settlements, education and religion, the Six-Year Plan, the oil controversy, and others. Much of the latter part of the volume is anecdotal and gives a kaleidoscopic picture of

all the variegated contacts an ambassador inevitably has. Despite "the Vera Cruz stigma" on his earlier record and his lack of comprehension of Latin America (he confesses surprise at learning that the Monroe Doctrine was viewed critically in Mexico), Daniels' innate friendliness and his determination to become a personification of the Good Neighbor made him decidedly *persona grata* within a relatively short time. The most disappointing feature of the volume is its failure to include much of significance with regard to the broad and deep problems of Mexico. The politics of that country is a fascinating complex, but the ambassador's view of it, or at least his report of it, is unfortunately superficial. Long and frequent quotations from letters to his sons and others, diaries, dispatches, and speeches give an intimate and even chatty view of the passing scene, but they do not plow deeply. The book is handsomely illustrated and well printed. It is a useful volume to add to the Mexican shelf, but the student of that country will need others before he can feel assured of any adequate comprehension of Mexico and its problems.—RUSSELL H. FITZGIBBON.

In his *The Territories and the United States, 1861-1890* (University of Pennsylvania Press, 1947, pp. 163, \$2.50), Earl S. Pomeroy deals with the question of colonial administration as applied to our contiguous continental territories. The emphasis is on the period 1861-90, although some references are made to the periods before and after that time. The author shows how many agencies and officials in our federal government had some control and authority over territorial government and how such control was thus far from being centralized and unified. After 1873, the Department of Interior took over the territorial duties which the Department of State previously performed—the former Department being already in charge of Indian affairs, a very important activity in the territories during the period under consideration. One of the great problems in territorial government was that of securing qualified officials for territorial positions. One difficulty was that of low salaries, and not infrequently a territorial official supplemented his income by some enterprises such as engaging in livestock raising, or even writing a book as did Lew Wallace in Santa Fé. Many territorial officials, however, were willing to overlook the low salaries, in high hope of presently being sent to Washington as delegate or as congressman. This work is well documented and contains an extensive bibliography, largely of primary materials. The style is labored, however, and the choice of words does not always make for clarity. A slip, not significant, was noted on page 66: Frank Hall, secretary of Colorado Territory, was not a son-in-law of Schuyler Colfax. The reviewer wishes that the author had given attention to the claim, sometimes made, that there was a lack of coördination between the War Department, which fought Indians, and the Interior Department, which

supposedly supplied them with firearms. The scholarly character of the book is attested by the fact that it is an Albert J. Beveridge publication of the American Historical Association.—WILLARD H. SMITH.

Puerto Rico has tended to receive much less attention by writers than other areas of the Western Hemisphere. It is not usually included in Latin American texts because it is now a part of the United States, while students of United States history have such a large field that Puerto Rico receives rather scant attention. The result has been such a widespread lack of knowledge in the United States as to conditions and problems in the island that the latter can almost claim to be a "step-child" territory. In his recently published *Puerto Rican Paradox* (University of Pennsylvania Press, 1947, pp. vii, 181, \$3.00), Vincenzo Petrullo has written with the direct objective of correcting this situation, and has done an excellent job of depicting Puerto Rican problems and the demands and desires of its citizens for their solution. Many of the present difficulties of Puerto Rico have their origins in the history of the island before it became a possession of the United States in 1898; and this background is well described in Mr. Petrullo's work. The basic culture of the area is that of other former Spanish colonies, and Puerto Ricans look on themselves as Latin Americans, even though now citizens of the United States. A preference for rural life is another Puerto Rican heritage, and this has persisted even though available land is completely insufficient to support a decent standard of living. The rigid class system of the colonial period likewise still affects island life, and even the slight progress made toward autonomy before Puerto Rico became a possession of the United States forms a basis for the demands of at least one of its present-day political parties. Annexation has brought additional problems. An improved health program has only intensified an acute and serious over-population. Anglo-American ideas on government, morality, and economics have come into conflict with those of an earlier period, until, as Mr. Petrullo notes, many Puerto Rican educators and publicists consider that the present pressures on the inhabitants from "two standards of conduct and two sets of life values" make it impossible for them to achieve the mental security and stability needed for happiness. This and other factors have tended to create in Puerto Ricans an exaggerated and sensitive nationalism and to increase agitation for autonomy. While Mr. Petrullo's study is written with a deep sympathy for the Puerto Rican point of view, he does not fall into the error of many island writers who find nothing good in Puerto Rico's association with the United States. The problems he describes are not easy of solution, but he suggests certain lines of action which may contribute greatly toward improvement in conditions and an increase in understanding between Puerto Rico and the United States. In any case,

the author has supplied an aid to possible better understanding in his well-written and thoughtful study of a territorial "paradox."—DONALD ROWLAND.

In our litigious society, American institutions of higher education are frequently involved in law-suits covering a wide variety of subjects. The courts are asked to rule on such matters as the right of a child to higher education, the admission and expulsion of students, the powers and duties of college presidents and governing boards, the status of faculty members, the legal position of state and municipal institutions, and the privileges and liabilities of privately-controlled institutions. In addition, there are many questions dealing with various types of taxes, such as the local property tax and the federal estate tax, as they relate to educational establishments, and complex problems dealing with subscriptions, charitable bequests, and trusts. The tort responsibility of public and private institutions of higher learning has been an especially interesting subject of litigation. During the five-year period 1941 to 1945, there were about 175 decisions in the federal courts and in state supreme courts (as well as a few lower state courts which publish opinions) on these various questions. These decisions are summarized in M. M. Chambers, *The Colleges and the Courts, 1941-45* (Carnegie Foundation for the Advancement of Teaching, 1946, pp. 156). This survey is a continuation of an earlier study prepared by the author and published by the Carnegie Foundation in 1941, covering the previous five-year period, and a much more lengthy analysis written by the author in collaboration with Edward C. Elliott, covering the cases prior to 1936 extending back over more than a century. The present study is limited entirely to an analysis of the opinions of reported cases, with a minimum of generalization or inference. Three general impressions emerge from these cases: first, there seems to be a tendency to bring educational institutions within the scope of general constitutional principles touching upon personal rights; secondly, there is a trend in the direction of giving public institutions a more or less independent position which frees them from political influence and in some cases even from statutory interference; and third, the tax and tort cases suggest, though rather tentatively, that the privileged position of these establishments, so far as taxation and tort liability are concerned, is in a process of corrosion.—DAVID FELLMAN.

In *And the Mountains Will Move* (Stanford University Press, 1947, pp. 374, \$5.00), Captain Miles P. DuVal, Jr., presents the second of his Panama Canal series. After reviewing construction of the Panama Railway, and then the ill-fated attempt of De Lesseps to build an isthmian canal, the author devotes the major portion of his book to canal construction under auspices of the United States. Emphasis throughout is upon

engineering and construction problems and the achievements or failures of the principal personalities involved. The author writes from intimate familiarity with the Canal and the vast amount of related source material and literature. The account is enlivened by colorful incidents and comments from Panamanian newspapers, unpublished letters, and biographies. The author often captures the spirit of the times. The tone is laudatory and uncritical. Although a dependable source of factual data on matters pertaining to construction, the book will be disappointing to many. There is only one casual, and uncritical, reference to the diplomatic maneuvers by which the United States came by the Canal Zone; there is no discussion of the economic and strategic significance of the Canal; no attempt is made to describe and appraise Canal Zone government and administration since the Canal's opening in 1914. But the author set out to tell about the moving of mountains, and this he has done thoroughly and well.—JOHN H. FERGUSON.

In recent years, there has been a welcome increase in the number of books dealing with the government of particular states. *Indiana State and Local Government* (Principia Press, rev. ed., 1946, pp. 246), by Pressly S. Sikes, brings down to date one of the earlier contributions in this field. Appearing originally in 1937 as a monograph on state government, the latest edition includes local government as well. So large a subject, compressed into 238 pages of text, part of which is devoted to questions and exercises, necessitates summary handling of major topics, but the selection and emphasis is well done. The book is a factual exposition, not a research report or a critical analysis. The layman and the student can secure an accurate impression of what Indiana government is, and how it works, with a minimum of reading. Moreover, the style is simple and direct and makes for easy reading. The advanced student will find the volume helpful for rapid comparison with his own state on fundamentals, and in many instances on significant details and administrative practices. At times, the author permits himself the liberty of injecting opinions and comments, as when he says (p. 137): "It is perhaps unfortunate that more newspaper publicity is not given the information filed by the registered lobbyists. If the principle of the law is sound, news agencies could render a valuable service by featuring the information." On the whole, the comments add to rather than detract from the presentation.—FREDERIC H. GUILD.

Dr. E. Merton Coulter, professor of history at the University of Georgia, has revised and enlarged his *Georgia; A Short History* (Chapel Hill, University of North Carolina Press, 1947, pp. 510, \$4.50), first published in 1933. His revision consists for the most part of bits of additional infor-

mation interspersed through the original text. There are still the same thirty-one chapters, with the identical headings of the first edition. In a few pages, he briefs a million years of Georgia history, then details in five hundred pages, with many illustrations, the occupation of Georgia since the Spanish explorations. The enlargement is chiefly in the last chapter, "Up to Now," which includes the Arnall administration. He does not cover the notorious election of 1946 nor the dual governorship of 1947, which might have given a fillip to an otherwise conventional account. The chapters on colonial and *ante bellum* Georgia indicate recent study of manuscript archives, official materials, and newspapers. The work, however, is much less penetrating, almost cursory, as it approaches present-day problems. No footnotes distract the lay reader, but the scholar will find useful the select bibliography of primary and secondary sources. Professor Coulter handles his subject-matter with a deftness conveying the impression of the times in a pleasant style. The treatment is summary and factual rather than interpretative or critical, but provincial gloss is avoided and an effect of objectivity achieved by careful inclusion of economic and social analysis in each period.—MARIAN D. IRISH.

Ethel K. Ware's *A Constitutional History of Georgia* (Columbia University Press, 1947, pp. 210) is not a unique piece of work, but rather is a run-of-the-mill type of book. It, nevertheless, has value for political scientists. Georgia's eight constitutions are dealt with rather fully and comprehensively, and the chief characteristics of each are pointed out forcefully. But there are several shortcomings. Insufficient emphasis is given to the rotten borough system of representation. Referring to the many amendments (301) to the constitution of 1877, the author says that "why Georgia preferred to amend rather than change the constitution is a matter of speculation." Such a remark appears a bit naïve. It is perfectly obvious why Georgia did not change her constitution for sixty-eight years, if one understands how the small counties can block revision by reason of their preponderance of representation in the lower house. Furthermore, no mention is made of the Park resolution of 1933 for revision of the constitution, a matter so important that a careful historian ought not to pass it over. The book, however, has merits. It is the only one of its kind dealing with Georgia, and a student of state constitutional law should find it valuable.—CULLEN B. GOSNELL.

Each clause in the Constitution's preamble is a peg on which Nathan Boone Williams, in *We the People* (Heffernan Press, 1947, pp. 161, \$1.50), hangs some heterogeneous comments on law and morals, economics and politics. We have wandered far from the true way, but if we heed the wisdom of the fathers, we can again move onward, or backward! He wants to

"return to the plan set up by the makers of the Constitution for the election of a president." Electors "would themselves meet and choose a president and a vice president." He forgets that the revered framers required that "the electors shall meet in their respective States." If electors, meeting in thirteen or fourteen states, soon needed guidance, obviously forty-eight groups of electors cannot do without it. Why not admit that the men who framed this provision were somewhat deficient in foresight? He praises their wisdom in separating the powers of government and condemns the "legislative ineptness" which has featured so much of the business of Congress, without inquiring whether the one may not have caused the other. Impartially he denounces "gigantic, Gargantuan corporations" and the rule-making administrative agencies set up to protect the public from corporate excesses. Obviously, we must restore the simpler conditions of a century ago!—HOWARD WHITE.

The Great National Project; A History of the Chesapeake and Ohio Canal (Johns Hopkins University Studies in Historical and Political Science, 1946, pp. 331, \$3.00), by Walter S. Sanderlin, originally was written as a University of Maryland doctoral dissertation. It tells the story of the last major attempt to develop an all-water route connecting the Chesapeake Bay and the Ohio River areas. Only one of the planned three sections of the canal was completed. Five aspects receive major attention: the end of attempts at an all-water route to the West; a case study in the problems of canal-building; the effect of the project on Maryland; the project's place in the larger social and economic movements affecting the country; and its influence on the Potomac valley. Although written as an historical study, it is of interest also to the political scientist. Federal-state relations were involved in the controversies over whether the federal government had a right to take part in the financing and managing of internal improvements. "Military necessity" arguments were emphasized. Lessons as to the effects of political interference are provided. Financial experiences with internal improvements of that period led to state constitutional provisions against future relations with corporations.—CHRISTIAN L. LARSEN.

In view of the many volumes devoted to "how men have gained public office," Ralph G. Plumb has thought some attention should be given to their exits. *Succession in Public Office; A Study of Resignations—Removals—Retirements* (Manitowoc, Wisconsin, Brandt Printing and Binding Co., 1947, pp. 170) is the result. Most of the facts, compiled from biographical dictionaries, are familiar to political scientists. The discussion is limited to selected presidents, cabinet officers, members of Congress, diplomats, military and naval officers, governors, and Confederate officials. In appended tables, Mr. Plumb shows that thirty-one senators

have resigned to enter presidential cabinets, sixteen to become diplomats. The House has seen thirty-nine resignees emerge as governors, fifteen as cabinet members, and fourteen as diplomats. The volume suggests possibilities for more exhaustive study.—G. HOMER DURHAM.

FOREIGN AND COMPARATIVE GOVERNMENT

In his *The Court of the Connétable; A Study of a French Administrative Tribunal during the Reign of Henry IV* (Yale Historical Publications, XLVII; Yale University Press, 1947, pp. viii, 166, \$3.00), John Hewitt Mitchell presents a good, solid monograph, based on documents in the Archives Nationales, on an interesting aspect of the administrative and judicial history of France in the sixteenth century. After summarizing the history of the *connétable* and the *maréchaux* in the Middle Ages, he shows how their courts, chiefly military in the fifteenth century, were joined into one body under a single judge; and how in the sixteenth century this court of the *Connétable* was changed from a military to an administrative tribunal located in Paris. The power of military discipline henceforth belonged to local *prévôts des bandes*, *commissaires des guerres*, and *prévôts des maréchaux*—these officers thus becoming almost independent agents rather than, as formerly, temporary delegates of the *connétable* and the *maréchaux*. But the *Connétable* retained and developed disciplinary power over the *prévôts*. In place of the former jurisdiction over the civil and criminal suits of soldiers, the tribunal now exercised a jurisdiction in cases in which the litigants were civilians—ransom cases, breaches of contract for supply, and suits over the plunder of country estates. The organization and procedure of the *Connétable* were largely copied from the ordinary courts. (One wishes that the author had understood this procedure in relation to the historical-legal background.) In the reign of Henry IV, the court of the *Connétable*, by managing and disciplining the local officials of the *maréchaussee*, helped restore law and order in France.—GAINES POST.

At a time when anti-unionist propaganda is flooding the United States, a publication enabling us to look objectively at the labor problems of another country is more than welcome. In his *Économie et législation industrielles* (Paris: Aubier Editions Montaigne, 1940, pp. 402), Robert Mossé deals comprehensively with labor law and labor economics as they had been developing in France up to the late thirties and as in existence on the eve of the Second World War. The author enjoys a reputation both as professor in the Faculty of Law of the University of Grenoble and as conciliator and arbitrator of labor disputes. In writing this book, he has contributed to knowledge of the field a study excelling by reason of its lucidity, its balance, and its sincerity. Mossé places equal emphasis on

the legal and the economic aspects of wages and labor contracts, of employment and state intervention, of unions and collective agreements, of arbitration and social insurance. The description of the relations between individuals is well balanced by a discussion of collective institutions. Although the treatment of labor problems abroad is sketchy, and although the exposition of the historical development of labor prior to 1789 does not come up to the best standards of present-day historiography, the great trend of the past hundred years from "unfettered individualism" to "democratic freedom and security" is fairly correctly interpreted. Nevertheless, the author's interpretation reflects the conservatism so typical of right-wing socialists in Germany during the Weimar Republic or in France during the Popular Front period. For, in their view, the socially-minded late capitalism of the era between the two World Wars constituted a felicitous embodiment of a permanent equilibrium between capital and labor rather than a relatively short-lived stage of transition between two economic systems. Hence, in the author's opinion, this epoch of the "constitutional factory" which in France was inaugurated by the Matignon agreement of 1936 would remain an episode only if the employers were to lack wisdom. It is needless to remark that this optimism is only partially supported by both the basic dynamics of social change in contemporary society and the events of the last years in France and elsewhere.—OSSIP K. FLECHTHEIM.

Under the somewhat misleading, or even paradoxical, title [but see pp. 498-500] of *The Republic of Silence* (Harcourt Brace and Co., 1947, pp. 515, \$4.00), A. J. Liebling has brought together an unusually good sampling of French *résistance* writings. These pieces, with an exception or two, were produced in France itself, under German occupation between May, 1940, and September, 1944. This is the best collection, in book form and in English; and Mr. Liebling, contributor of the Paris Letter in *The New Yorker*, has done a clever and informative job of editing. The perspective is realistic, that is, of a *résistance* of individual Frenchmen first of all. "We will never know how many Frenchmen, in how many different parts of France, said at approximately the same time, like Randois—'Come on guys! We'll get out of this,' or only said it to themselves" (p. 93). But if we are to pick the reason, most widely held, for the *résistance*, we might take the angry expostulation of the husband of the couple Antoine encountered upon his escape and return to Paris while the "conqueror" (or "circus") was parading near Metro Station George V: "They don't understand. They will never understand. They have no conception what men who cherish liberty are like—men who, sooner or later, are bound to find a way to regain it. . . . And who will do it, I tell you! They will do it!" (p. 130). Liebling does not attempt to study the *résistance* movement.

His book advances from "The D  b  cle" through "The Beginnings of Resistance," "Resistance Becomes General," "The Fight," "The War Behind the War," "Martyrs," "Victory," and "Summation." The volume deserves a wide reading in the United States, particularly among those who do not understand the sense in which the Germans did *not* "occupy" France, and another group, at present, who have the notion that upon receipt of a telephone message from the Kremlin the French Communists would "take over."—J. G. HEINBERG.

Clarence A. Manning's *The Story of the Ukraine* (New York: Philosophical Library, 1947, pp. 326, \$3.75) is a disappointing book. Its thesis, expressed throughout, is that moral law and the nation state are synonymous. Therefore, if moral law ever triumphs, Ukraine will be a free and independent nation state. While the book contains a great deal of historically informative material, no objective historian will accept it as history. At best, it is highly romanticized history, completely devoid of critical judgment. Many statements of "fact" are subject to challenge, and conclusions are recorded without the benefit of supporting evidence. In a wishful approach, the author speculates on what might have been if Ukraine had attained her independence at the time that we began our experience as a nation. But he seems completely unaware of the fact that the United States was building on centuries of British experience in self-government. While the author admits that "for the first time in centuries" Ukraine "has been united under one government," with the Ukrainian language and culture recognized, he contends that there is "no more real happiness" than in Tsarist days. The entrance of Ukraine into the United Nations, he regards as a shame. Few will deny that Ukrainians have borne more than their share of suffering. Few areas were so devastated as Ukraine in the recent war, and few people have given so much to the common effort of the United Nations. It would be faint comfort for them to read that "both armies [German and Russian] acted to eliminate the native population and to stifle all national life and thought."—ALEX N. DRAGNICH.

Under the title *Germany Under Occupation* (Ann Arbor: George Wahr Publishing Company, 1947, pp. 306, \$3.50), James K. Pollock and James H. Meisel have brought together a wide variety of material relating to the current situation in Germany. The greater part of the contents is made up of official documents issued by American military government authorities, but there are also statements of Allied policy relating to Germany made at Yalta and Potsdam, the texts of three *Land* constitutions, the statute of the *L  nderrat*, examples of Allied Control Council actions, and speeches of certain Allied and German officials. Looking toward the future, the editors have included statements by Bevin, Molotov, and Bidault, as well

as the Stuttgart address of Secretary Byrnes. The *Hoover Report* is added as a supplement, and several maps and charts are reproduced to make boundaries and organization clear. While there is always some difference of opinion as to what should be included in a collection such as this, it seems to this reviewer that the editors have displayed unusual discrimination. Perhaps some may question the emphasis on American documents and the U. S. Zone, but such emphasis is hardly surprising under existing circumstances. Teachers and students of comparative government may properly feel grateful to Pollock and Meisel for providing so substantial an aid; Professor Pollock deserves especial credit for his efforts in arranging the declassifying of certain of the official documents which have heretofore been restricted in circulation.—HAROLD ZINK.

Students of state-municipal relations in the United States will find in *Provincial-Municipal Relations in British Columbia* (Legislative Assembly, 1947, pp. 190), by H. Carl Goldenberg, an important addition to the literature in this field. Armed with the authority of a commission issued by order of the Lieutenant Governor in Council, Commissioner Goldenberg made a searching investigation into the performance of municipal functions within the province and the relations between the municipalities and the province. Rising costs of local government, lagging local revenues, and demands for increased provincial aid, were largely responsible for the investigation. Commissioner Goldenberg's report covers the development and administration of municipal functions, an analysis of financial problems supported by fifty-two statistical tables, a discussion of provincial-municipal relations, and recommendations for improvement. Those interested in the allocation and financing of government functions will find provocative suggestions in the commissioner's recommendations. These include increased provincial grants and transference of responsibilities to the province, with preservation of minimum local responsibilities in the area of mandatory services, and increased local revenues through recommended changes in assessment and taxation policies to cover other costs of local government.—RAYMOND S. SHORT.

There is growing recognition of the fact that the fundamental psychological climate of the Soviet politico-economic system is an outgrowth of the historic continuity of Russian history and of social institutions in Russia. This is the background against which one must read the slender volume, *Medieval Russian Laws* (Columbia University Press, 1947, pp. 32). In his introduction, the translator, Professor George Vernadsky, calls attention to the great similarity between the basic principles of the old Slavic common law and those of the Frankish and the Anglo-Saxon law. The similarity must have been chiefly the result of similarity in general

conditions of life, in social organization, as well as in tribal mentality at a given state of the historical progress of each of the two ethnic groups, rather than of any conscious invitation on either side.—CHARLES PRINCE.

INTERNATIONAL LAW AND RELATIONS

The several contributors to *Persistent International Issues* (Harper, 1947, pp. viii, 262, \$3.00), edited by George B. de Huszar, demonstrate the interrelationships that exist between current international issues. Selecting some ten of the knottiest peace-time problems, and as authors an equal number of specialists with some first-hand knowledge of the conditions surrounding these issues, the editor confronts his reader with a realistic picture of a muddled world. Despite the authors' attempts to avoid a defeatist attitude and to point the way hopefully to solutions of the several problems, the little volume does not make cheerful fireside reading. Certain areas of international concern do not appear hopeless. The relief picture improved during 1946, and with greater food production in 1947, supplies of many things will approach adequacy in some quarters and surpluses in others. Transportation facilities are greater than in 1939, but international agreement is needed in determining the approximate size of each national fleet and in avoiding subsidy battles for leadership in both water and air transportation. Health organization is a less controversial problem and has behind it the traditions of one of the most successful technical services of the League of Nations. But in every other phase of international relations there is controversy, confusion, and not much ground for optimism. Even the experts who feel that the solution of certain politico-economic issues is not impossible reflect little hope for the probable outcome. "Specifically, the following problems will persist: overproduction; lack of equal opportunity; promotion of exports without regard to the possibilities of imports; undirected flow of capital to sections of the world unprepared to absorb it and to make adequate returns; unilateral interference with the flow of capital and goods and unilateral attempts to gain competitive advantage by the depreciation of currency" (p. 256). To meet these problems there must be: "international control of export, import, and production; regulation of trade; an international economic court; coöperative attempts to control the flow of capital and credit; and the stabilization of currency" (*ibid*). With the two major world powers each seeking to extend spheres of political influence by all possible economic means, what more can the most optimistic internationalist do than point the way to possible peaceable action? This volume will command the attention of serious students of current international affairs.—JOHN DAY LARKIN.

Among the documents concerning American diplomacy during World War II which have recently been published, the *Wartime Correspondence*

between President Roosevelt and Pius XII, with an introduction and explanatory notes by Myron C. Taylor (Macmillan Co., 1947, pp. xiii, 127, \$2.50), occupies a significant place. It will be recalled that the decision which President Roosevelt made, in December, 1939, to send Mr. Taylor to the Vatican as his personal representative was received with mixed feelings in this country, which had sent no official representative of any kind to the head of the Catholic Church since 1870. The major goal which Roosevelt had in mind when he established close relations with the Supreme Pontiff, it appears, was the mobilization of the spiritual forces of the Catholic Church for the threefold purpose of assisting the United States in preventing the spread of hostilities, extending relief to hapless war victims, and establishing a better postwar world. Although Pius XII eagerly agreed to coördinate his own activities along these lines with those of the President, the two leaders suffered complete failure on several occasions, notably in their efforts to keep Italy out of the war. However, they achieved greater success in the realm of relief work, with the result that innumerable war victims were aided and the deportation of non-Italian Jews from Italy effectively checked. Since most of the messages in this volume are merely formal greetings or brief introductions to subjects which the American envoy discussed, a complete account of the war-time collaboration between the President and the Bishop of Rome must await publication of the reports which Mr. Taylor sent to the White House and the instructions which Roosevelt gave his personal representative. Among the occasional letters in which the Pope and President dealt directly with important issues confronting them are the blunt protest which Pius addressed to Roosevelt following the American bombing of Rome, and the plea which the President made for distinguishing between the Nazi and Russian dictatorships. In a letter of September 3, 1941, which is probably destined to be quoted repeatedly in the current controversy over what Roosevelt thought about Russia, the President attempted to persuade the Pope that while "the only weapon which the Russian dictatorship uses outside its own borders is Communist propaganda, [Germany] has also undertaken the employment of every form of military aggression outside its border for the purpose of world conquest by force of arms and by force of propaganda." But, interesting though this correspondence is, it is disappointing as a source for the entire story of Mr. Taylor's controversial mission.—WINIFRED N. HADSEL.

Far better than the usual journalist's impressions of events abroad is *No Peace For Asia* (Macmillan Co., 1947, pp. x, 295, \$3.50), by Harold R. Isaacs. The author is at his best in describing the attitude of American soldiers in Asia, and in analyzing the situation in China and American policy with respect to it. His treatment of the developments in Korea is likewise excellent, but his brief discussion of India and Indonesia is

superficial. Isaacs has few illusions and no heroes. He is very critical of Ghandi, the Kuomintang, Chiang Kai-shek, and American policy in China and elsewhere in Asia. He excoriates Patrick J. Hurley. While he thinks the Chinese Communists are better than the Kuomintang, he is not uncritical of them. "Stilwell as a man towered far above the numerous small fry wearing generals' stars in the American army," but he had his limitations. He was "undoubtedly an execrably poor administrator." The persons who come nearest to being heroes are the leaders of the national independence movements in Southeast Asia. Isaacs sees little hope for peace in Asia. Of Marshall's efforts in China, he concludes: "It was a question of making Northeast Asia look a bit less like the first battlefield of a third world war already begun. If that could be done, it would look somewhat more like the first potential battlefield of a third world war that would start a little later on." Korea faces a blind alley. "As a Russian satellite, it would become an object of American suspicion and hostility. As an American satellite, it would be under constant, paralyzing pressure from Russia." All of Eastern Asia is caught in a gigantic duel of power politics between Russia and the United States. According to Isaacs, American policy in Asia has failed because it did not stand for change; instead of building a new world out of the ruins of the old, official America was preoccupied after the end of the war with "the fear of Russia and the need for 'security' against the Russian threat."—AMRY VANDENBOSCH.

Of the numerous studies dealing in whole or in part with the so-called Hay doctrine of the Open Door, that by M. Andre Vince, entitled *La Doctrine de la Porte Ouverte en Chine et son Application dans la Politique Internationale* (Besançon, Imprimerie Jacques et Demontrond, 1946, pp. 148) is neither the most nor the least valuable. While M. Vince's monograph contains little or no new material, no originality of interpretation, and no mention of Messrs. Rockhill's and Hippisley's contributions to the enunciation of the old-new policy (and contains one serious error of fact on p. 17), it is a reasonably competent and balanced presentation of background and development of the doctrine. After a brief introduction, the author presents, in five chapters, the "origin of the doctrine," and traces—with none too many details and no unduly critical acuteness—the up-and-down course of its development from the Boxer movement to the Russian-Japanese War of 1904–05; from the Treaty of Portsmouth to the outbreak of the World War, 1914–18; from that war to the Washington Conference; and closes with an account of that Conference, 1921–22. The appendix contains five documents: a French translation of the Nine Power Treaty of February 9, 1922; the text of the Knox plan of neutralization for the Manchurian railways; and the responses of the British, Japanese, and Russian governments thereto. Several primary and sec-

ondary sources are listed in a brief bibliography. The spelling and the typography in several of the quotations from English documents leave a good deal to be desired. The chief value of the work is its provenance.—
HARLEY FARNSWORTH MACNAIR.

It is only on looking at the subtitle of Professor J. Eugene Harley's *Documentary Textbook on the United Nations* (Center for International Understanding, pp. xx, 952) that one appreciates the full scope of this useful publication. The subtitle reads: "Humanity's March Towards Peace." With the objective of documenting this broader problem, the book commences with brief summaries of well-known early peace proposals and organizations, from ancient China's League of Fourteen States to the League of Nations. In this connection, some doubt may arise as to the value of one-paragraph descriptions, for instance, of the Central American Court of Justice, the Hague Peace Conferences, and the Permanent Court of Arbitration. It is therefore in Part Two, "From League of Nations to United Nations," that the book attains its maximum worth. Here one finds not only such obvious documents as the Covenant of the League of Nations and the Statute of the World Court, but many of the texts which form the more immediate background of the United Nations, such as the Atlantic Charter, the Moscow, Cairo, and Teheran Declarations, and the Fulbright and Connally Resolutions. The United Nations itself is given full documentation from the Dumbarton Oaks proposals through the record of the San Francisco Conference to a summary of achievements of the First General Assembly and the Security Council. Such other international organizations as FAO, UNESCO, the ILO, the World Bank and Fund, UNRRA, and ICAO are also given thorough treatment. Professor Harley has performed a real service by bringing so many basic documents together within the covers of one book, and not only teachers of international organization but all persons actively interested in the subject should find the compilation invaluable.—
D. BEATRICE MCCOWN.

In *Le Préambule de la Charte, Base Idéologique de l'O.N.U.* (Genève-Paris, Editions des Trois Collines, pp. 229), André Salomon has made one of the first analyses of certain of the fundamental principles of the United Nations Charter. The Preamble is examined phrase by phrase in an attempt to appraise its legal nature and significance. Quotations from the documents of the San Francisco Conference lend authority to the work, and the author's penetrating reflections on the contemporary international scene give perspective. The result is discussion against the background of recent international legal theory of such subjects as the sources of international law, state equality, treaty revision, and the place of the in-

dividual in international law. The author views the Preamble of the Charter as voicing the aspirations of people throughout the world. Although he notes that the weight of authority supports the view that a preamble has the same validity as the body of a treaty, he believes that the Charter's Preamble is chiefly of ideological value since it is unlikely that its principles will become immediate political and juridical realities. Paul Guggenheim points out in the preface that the work has the merit of showing clearly the two divergent conceptions of international relations which struggle for primacy in the Charter: the traditional conception founded on and limited by the myth of national sovereignty, and the new conception manifest, for example, in concern for human rights on the international level. This alone makes the book worthy of attention by all who are concerned to make the aspirations of the Preamble a real force in international relations.—RUTH C. LAWSON.

In October, 1943, President Roosevelt directed the preparation of *The Treaty of Versailles and After; Annotations of the Text of the Treaty* (U. S. Government Printing Office, 1947, Department of State Publication 2724, Conference Series 92, pp. xiii, 1018). It was felt that an understanding of the twenty years of experience of the nations with the peace settlement would be helpful in the present period. The introduction to the volume contains a brief account of the Paris Peace Conference of 1919 and texts of the following documents: the German observations on the treaty, the reply of the Allies, the Congressional resolution of 1921 terminating the war, and the separate American treaty of peace with Germany (August 25, 1921). The remainder of the volume consists of factual notes recording the action taken under most of the 440 articles and annexes of the treaty. Liberal extracts from the treaty itself accompany the annotations. The main purpose of the annotations is to indicate the practical effect and the historical importance of the articles of the treaty rather than to bring out their legal meaning or their origin. Emphasis has been placed upon articles which became the subject of controversy. There is excellent and extended treatment of reparations, the demilitarization of Germany, and the political and economic clauses of the treaty. The appendix includes certain agreements made for the execution or modification of the treaty, such as the agreement for the distribution of the Dawes annuities, the Locarno Treaty of Mutual Guaranty, and the agreement for the reimbursement of the costs of the American army of occupation. The volume will be useful to students of history and diplomacy. The annotations, prepared by Denys P. Myers, are well selected, organized, and written.—NORMAN L. HILL.

Ever since 1914, teachers of international law and of related subjects have met on the average once in four years under the auspices of the

Carnegie Endowment for International Peace in order to discuss their problems with regard to the training both of the practitioner and of the teacher of their subjects, the broadening of knowledge in their special fields of study, and the necessity of creating popular understanding of these disciplines by offering suitable courses of instruction in them in appropriate educational institutions and by other means capable of affecting and molding public opinion. On April 24-25, 1946, the eighth of these conferences was held in Washington, D. C. On the basis of reports of committees and of papers read at this meeting, it discussed, specifically, the problem of teaching international law and international relations in the postwar world, the impact of scientific discovery and technological change on international relations, the United Nations Educational, Scientific, and Cultural Organization, the first meeting of the Assembly of the United Nations in London, and the publication of source materials concerning international law, international relations, and international organization. Most of the discussion was devoted to the last-named topic. As usual since the first of these gatherings, a record of the proceedings and of resolutions adopted has been preserved and is now published as the *Proceedings of the Eighth Conference of Teachers of International Law and Related Subjects* (Washington, Carnegie Endowment for International Peace, 1946, pp. xvi, 166, \$1.00).—GEORGE MANNER.

POLITICAL THEORY AND MISCELLANEOUS

Robert N. Wilkin's *Eternal Lawyer* (Macmillan Co., 1947, pp. xvi, 264, \$3.00) is a very delightful and instructive biography of Cicero as a lawyer—the greatest lawyer of the ancient world. It is much more than a mere legal biography, containing a clear and adequate analysis of the economic and political problems of the Republic and early Empire during the period of Cicero's ascendancy in the fields of statesmanship and the law. Only on this basis could an adequate appraisal of Cicero's contributions to the law be made, because to Cicero statecraft offered an opportunity for the practical application of the principles of the law to the problems of the state. It is in this respect that Cicero rose to the sublime height of a legal statesman. It is true, as the author admits, that this biography is a eulogy. But the author does not fail to mention Cicero's weaknesses such as "his excessive display of sarcastic wit" and his "lack of modesty." Most of his weaknesses are explained as characteristic of the legal profession. His loyalty to Pompey as a symbol of the dying Republic and his switching to support of Caesar after Pompey's death are only illustrations of Cicero's love for the Republic and law and order for which he voluntarily gave his life. The author's broad knowledge of the Roman world, of the legal profession and the administration of the law, and, still more important, of the philosophy of the law and the significance of Cicero's principles for

the modern world supremely qualify him to make an adequate and justifiable appraisal of the contribution of this great statesman-lawyer to the jurisprudence of the modern world. While Cicero's training in the law by Scaevola—one of the great jurists of all time—is discussed and several examples of Cicero's clever, courageous, and oratorical pleading are given, it is the discussion of his philosophy of government, the state, and the law that directly relates Cicero's principles to American constitutionalism. While the written constitution was unknown to Cicero, it is a significant fact that our own constitutionalism incorporates his basic principles: (1) a balanced theory of government, (2) the doctrine of a higher law, and, therefore, (3) the principle of a limited government, and, impliedly (4) the doctrine of judicial review. In fact, Cicero repeatedly pleaded the invalidity of the statutes of the Roman Senate on the ground of their violation of natural law, which he regarded as both a norm for and a limitation on positive law. This is a very readable volume and is a significant contribution to historical jurisprudence. It should be read by the layman as well as by the bench and the bar. It is a serious challenge to the modern tendency of totalitarianism advocated by the School of Realists.—C. PERRY PATTERSON.

The term "class struggle" has been associated with Marxian doctrine to such a degree that its wider implications are frequently overlooked. In his *Class Struggle* (Indiana University Publications, Social Science Series No. 4, 1947, pp. 59, \$1.00), Francis D. Wormuth reminds the reader that the idea of class is an old and effective instrument in the analysis of politics. There are three major elements in this study. There is, first, a consideration of "The Concept of Class" which contains a basic definition: "A class, then, might be defined as a group possessed of cultural homogeneity and economic uniformity" (p. 9). Secondly, an examination is made of the circumstances that permit or foster effective class action in terms either of change or of reaction. This aspect receives the most extensive treatment, with brief chapters on "The Conditions of Class Action," "Psychology and Ideology," "Leadership," "Politics and Economics," and "Types of Revolution." Thirdly, the author is concerned with the special significance of the class struggle for socialism and fascism, both ideologically and with respect to actual historical developments. This essay is carefully written and is studded with acute generalizations and conclusions. It is concentrated in substance. Indeed, its concentration is something of a defect, and it may be regretted that Mr. Wormuth's discernment was not provided a larger canvas. The brevity of the monograph necessarily means that description and application of ideas are rigidly restricted. Moreover, both the significance of the subject and the quality of the essay inspire a wish for extended treatment.—THOMAS P. JENKIN.

An interesting study in communications research reaches this country in the form of Ranulf Svend's small book *Hitlers Kampf gegen die Objektivität* (Copenhagen: Universitetsforlaget I Aarhus, Ejnar Munksgaard, 1946, pp. 120). The author endeavors to essay the rôle played by the propaganda trick of assigning different value judgments to identical situations, depending on whether one's own or the opposite side is involved, and the frequent repetition of so-called unit symbols. Specifically, Dr. Ranulf examines in detail Hitler's *Mein Kampf* and his speeches between September 1, 1939, and March 15, 1942, as well as Churchill's speeches between May 5, 1938, and December 31, 1944. He counts the number of times the offense has been committed, or a unit symbol is repeated, and cites and compares the more significant examples. Hitler emerges as the villain he had been known to be, but the writer's careful method and his juxtaposition of pertinent passages makes the record clear and definitive. Although the author finds that Churchill is not free from sin, he concludes on the basis of actual count that his commissions are few and far between. The author believes that "national humiliations and economic crises are probably deeper-lying causes of the origin and success of Fascist movements [than propaganda], and the ability of the masses to resist unscrupulous propaganda tricks is probably decreased by such emergency situations . . . one would contribute toward putting a new democracy in Germany on a firm basis if it were possible to free the defeated German people immediately from both material want and the feeling of humiliation resulting from defeat" (p. 6). As this is obviously impossible, the author recommends that propaganda be attacked by educational means, by the creation in occupied territory by the Allied authorities of a non-partisan institution which would uncover and publicize each use of propaganda tricks by parties and the press. He believes that the fear of public exposition of such tactics would be salutary (pp. 6-7). Such a non-partisan institution, the author admits, would not be out of place in democratic countries, but he doubts whether it would be established. Hopefully, he asserts that such a test in occupied Germany might serve to win converts elsewhere. The book is objective in tone and method, and stimulating in style. An index would have been helpful.—JOHN BROWN MASON.

Karl Obermann's *Joseph Weydemeyer; Pioneer of American Socialism* (International Publishers, 1947, pp. 160, \$2.25) is another of those books which seem to suffer from an excess of Marxist religiosity. One gets the feeling that Joseph Weydemeyer must have been a complex and fascinating personality, but unfortunately Mr. Obermann tells us little about him. What emerges here is a portrait not of Weydemeyer the man, but only of Weydemeyer the pamphleteer. For Obermann, the significant

thing about Weydemeyer is that he was a friend of Karl Marx, and he obviously feels that he bestows the supreme accolade when he demonstrates the faithfulness with which Weydemeyer followed the Master's line. Weydemeyer first became interested in democratic and socialist ideas and acquainted with Marx while serving as an officer in the garrison at Minden. Shortly thereafter he resigned his commission to pursue a journalistic career. Involved in the revolution of 1848, he was forced to flee from Germany to the United States. In this country, he immediately plunged into work with the German-American labor movement. The slavery issue intrigued him more than any other in American politics, and during the Civil War he served as an officer in the Union army. This, of course, is only the merest sketch, but even so it should suffice to indicate the possibilities of the story that lay here. But as said above, unfortunately Mr. Obermann fails to develop the drama inherent in it. For him, the chief concern is what polemic Weydemeyer wrote against whom at what time.—HILDEN GIBSON.

H. C. Gutteridge, H. Lauterpacht, and Sir A. D. McNair are editing a new series entitled "Cambridge Studies in International and Comparative Law." Professor Gutteridge's *Comparative Law* (Cambridge University Press, 1946, pp. xvi, 208, \$3.00) is the first volume to be published—without, however, any explanation why the least provocative of the subjects listed should have been selected for this distinction. Nor is an answer readily inferable from the text. True, the author discusses both Conflict of Laws and the Law of Nations (in Chapters IV and V, respectively) in relation to his special subject; but no attempt is made to state the basic postulates or problems of either. In fact, comparative law itself is construed narrowly as a method of legal research, and the author accordingly limits himself to a survey of the use of this method in the two fields mentioned, plus the unification of private law generally. Within the technical scope of this project, there is no question of the author's competence. Moreover, in two respects the volume is outstanding: first, the documentary sources are critically evaluated and conveniently summarized in an appendix; second, the present status of legal education in this field is set forth in great detail.—KENNETH C. COLE.

The March, 1947, issue of *The Annals of the American Academy of Political and Social Science* (Vol. 250, pp. 183, \$2.00 paper, \$2.50 cloth), entitled "Communication and Social Action," was planned and edited by W. Hayes Yeager and William E. Utterback of the department of speech, Ohio State University, with the assistance of a committee of the Speech Association of America. Sixteen contributors carry out this co-operative effort "to understand the nature and the significance of com-

munication in the modern world and to analyze the difficulties that beset the exchange of intelligence." The result is a well balanced, well integrated survey and appraisal of the chief problem areas. A distinctive feature of the volume is the presentation of provocative recommendations for reform and improvement by most of the writers. The topic is grouped under three headings. In "Persistent Problems in Communication" are discussed the importance of safeguarding the channels of communication, and the need of foreign languages as tools in international understanding. Daniel Katz presents a lucid examination of the psychological barriers to communication, while Congressman Karl E. Mundt notes the marked difference of "Government Control of Sources of Information" in the U.S.S.R. and the U.S.A. Nor does the volume overlook, in the second section, the importance of "Communication in Small Groups" which reaches private citizens discussing informally political questions through the round-table, the panel, and the forum. Special attention is given also to the changed methods of classroom communication. In addition, George W. Taylor discusses two selected kinds of labor-management conferences which stress the agreement-making potentialities of collective bargaining. Harvey Walker's "Communication in the Legislative Assembly" is a succinct analysis, with many valuable suggestions for improvement of the representative function of legislative bodies and its bearing upon the problem of communication. In the third section, about half the volume is devoted to such channels of "Mass Communications" as the public platform, the pulpit, the radio, the press, the motion picture, and advertising. The study closes with Edward L. Bernay's discussion of "The Engineering of Consent," and "The Measurement of Public Opinion" by Elmo C. Wilson. The writers of mass channels draw not only upon many years of experience in the related private enterprise, but also upon their valuable experience in government service during the war. This study of communication as a social dynamic force should prove an invaluable aid in those classes of public opinion and propaganda that recognize the necessity of modern man understanding his neighbors if we are to live in a stable and peaceful world.—BELLE ZELLER.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Amadeo, Santos Primo. La revisión de los poderes del gobernador de Puerto Rico. Pp. 32. Rio Piedras (P.R.): Imprenta Soltero. 1946.

Angell, Robert C., ed. The American family and its housing. Pp. 263 (Am. Sociol. Rev., Apr., 1947). Ann Arbor (Mich.): Am. Sociol. Society.

Commerce Clearing House. Federal administrative procedure; 2nd ed., 2 v. no. pag. Chicago: Commerce Clearing House. 1946.

Corwin, E. S. The constitution and what it means today; 9th ed. Pp. 271. Princeton (N.J.): Princeton Univ. Press. 1947.

Daniels, Josephus. Shirtsleeve diplomat. Pp. 566. Chapel Hill: Univ. of N. C. Press. 1947.

Detwurst, James Frederick, and Others. America's needs and resources. Pp. 84. N.Y.: Twentieth Century Fund. 1947.

Fetridge, William H. The republican precinct worker's manual. Pp. 92. Chicago: Republican Mag. 1946.

Fishman, Nathaniel. Marriage, this business of living together; the anomalies, curiosities and facts about marriage, divorce, and separation in our 48 states. Pp. 368. N.Y.: Liveright Pub. Co. 1946.

Ganer, Harold. How to win in politics; foreword by Joseph H. Ball. Pp. 204. Boston: Humphries. 1947.

Gaus, John M. Reflections on public administration. Pp. 153. University (Ala.): Univ. of Ala. Press. 1947.

Guild, F. H., and Snider, Clyde F. Legislative procedure in Kansas; 2nd ed. Pp. 79. Lawrence: Bur. of Govt. Research, Univ. of Kans. 1946.

Gunther, John. Inside U.S.A. Pp. 995. N.Y.: Harper. 1947.

Hacker, Louis M. The triumph of American capitalism; the development of forces in American history to the end of the nineteenth century. Pp. 460. N.Y.: Columbia Univ. Press. 1946.

Jones, Edwin W. Lawful employment in Massachusetts; restaurants. Pp. 93. Washington: E. W. Jones & Associates. 1946.

Roosevelt, Franklin D. and Pius XII. Wartime correspondence between President Roosevelt and Pope Pius XII. N.Y.: Macmillan. 1947.

Sanders, Paul H., ed. Labor dispute settlement. Pp. 390. (Law and Contemporary Problems; Vol. XII, no. 2). Durham (N.C.): School of Law, Duke Univ. 1947.

Van Alstyne, Richard. American diplomacy in action; 2nd ed. Pp. 836. Stanford Univ.: Univ. Press. 1947.

Von Hentig, Hans. Crime; causes and conditions. Pp. 391. N.Y.: McGraw-Hill. 1947.

Young, Louise M., ed. Women's opportunities and responsibilities. Pp. 200. (Annals, Am. Acad. Pol. and Soc. Sci., May, 1947). Philadelphia: Am. Acad. Pol. and Soc. Sci.

Articles

Administrative Law. The core of administrative law. *D. M. Field*. Tenn. Law Rev. Apr., 1947.

———. "Rule-making," "adjudication," and exemptions under the administrative procedure act. *R. W. Ginnane*. Univ. of Pa. Law Rev. May, 1947.

———. Administrative procedure act; scope and grounds of broadened judicial review. *John Dickinson*. Am. Bar Assoc. Jour. May, 1947.

American Scene. The American scene. *Kenneth Rexroth*. Resistance. May, 1947.

———. The current political scene in the United States. *Harold Zink*. Pol. Quar. Apr.-June, 1947.

Army and Navy. The Yamashita case and martial courts, part I. *J. J. A. Daly*. Conn. Bar Jour. Apr., 1947.

———. Revision of the military justice process as proposed by the war department. *K. C. Royall*. Va. Law Rev. May, 1947.

Atomic Energy Law. America's most radical law. *James R. Newman*. Harper's. May, 1947.

Banking and Currency. The future of government in the farm mortgage field. *John D. Black*. Jour. of Land and Pub. Util. Econ. Feb., 1947.

———. Federal reserve policy and the national debt during the war years. *E. C. Simmons*. Jour. of Bus. of Univ. of Chicago. Apr., 1947.

Budget. Is it sound national policy to cut the administration's 1948 budget? pro and con. *Symposium*. Should the congress reduce the public debt before reducing taxes? pro and con. *Symposium*. Cong. Digest. Apr., 1947.

Business. The Sherman act and the movies. *Walter P. Armstrong, Jr.* Temple Law Quar. Jan., 1947.

———. The antitrust laws and monopoly. *E. H. Levi*. Univ. of Chicago Law Rev. Feb., 1947.

———. Recipe for catastrophe. *Mordecai Ezekiel*. Harper's. June, 1947.

Civil Liberties. The federal civil rights laws. *O. K. Fraenkel*. Minn. Law Rev. Mar., 1947.

———. Religious liberty v. the police power; Jehovah's Witnesses. *Hollis W. Barbér*. Amer. Pol. Sci. Rev. Apr., 1945.

Colonial Policies. Intercultural colonial policies. *R. E. Crist* and *C. E. Chardon*. Am. Jour. of Econ. and Sociol. Apr., 1947.

Congress. The legislative reorganization act of 1946. *C. W. Shull*. Temple Law Quar. Jan., 1947.

———. The president and the congress; unsolved problems of leadership and powers. *Walter P. Armstrong*. Am. Bar Assoc. Jour. May, 1947.

Conservation. Oregon's forestry program. *Earl Snell*. The nation's forestry job. *Lyle F. Watts*. American forest congress. *Ovid Butler*. New York's coöperative forestry program. *Harold C. Ostertag*. State-federal and interstate relations in conservation policy. *S. V. Ciriacy-Wantrup*. State Govt. Apr., 1947.

———. The national parks. *Editors*. Fortune. June, 1947.

Constitutional History. The Dred Scott case—revisited. *Wallace Mendelson*. La. Law Rev. Mar., 1947.

Constitutional Law. Constitutional law in 1945-46. *Robert E. Cushman*. Am. Pol. Sci. Rev. Apr., 1947.

Crime and Criminal Law. Correlates of criminal behavior. *George Townsend Lodge*. Jour. of Soc. Psychol. Feb., 1947.

———. Crime without punishment. *John S. Meyers* and *S. Z. Kaplan*. Common law conspiracy. *B. F. Pollack*. Georgetown Law Jour. Mar., 1947.

Family. The Pennsylvania definition of desertion as a cause for divorce. *W. W. Rice*. Temple Law Quar. Jan., 1947.

Foreign Policy. U. S. legislation affecting Asiatics, part I. *F. W. Riggs*. Far Eastern Survey. Apr. 23, 1947.

———. Changes in the state department. *Graham H. Stuart*. Current Hist. Apr., 1947.

———. Contradictory foreign policies. *W. L. Wright, Jr.* Va. Quar. Rev. Spring, 1947.

———. Foreign policy and party politics. *Hamilton Fish Armstrong*. Atlantic. May, 1947.

———. Why Greece and Turkey? *Derek Palmore*. Fortnightly. May, 1947.

———. Can Truman avoid World War III? *William C. Bullitt*. Am. Mercury. June, 1947.

Foreign Trade. The volume of foreign trade and the level of income. *Wolfgang F. Stolper*. Quar. Jour. of Econ. Feb., 1947.

———. Exporting capitalism. *Editors*. Fortune. June, 1947.

Government Contracts. Changes, changed conditions, and extras in government contracting. *L. L. Anderson*. Ill. Law Rev. Mar.-Apr., 1947.

Holmes. Jurisprudence of Oliver Wendell Holmes. *C. Perry Patterson*. Minn. Law Rev. Mar., 1947.

Housing. The orientation of housing research. *John P. Dean*. A Rejoinder. *Richard U. Ratcliffe*. Jour. of Land and Pub. Util. Econ. Feb., 1947.

———. Regulation of housing; hints for health officers. *C. S. Ascher*. Am. Jour. of Pub. Health. May, 1947.

Immigration. Current immigration problems. *A. M. Rich*. Soc. Service Rev. Mar. 1947.

———. Immigration policy of the United States. *Earl G. Harrison*. For. Policy Rep. Apr. 1, 1947.

———. Immigration and population trends. *E. Rubin*. Am. Jour. of Econ. and Sociol. Apr., 1947.

Inter-governmental Relations. Interstate coöperation as a child. *A. S. Abel*. Interstate coöperation in river basin development. *L. K. Caldwell*. The settlement of disputes between states concerning rights to the waters of interstate streams. *Julius Friedrich*. Ia. Law Rev. Jan., 1947.

Interstate Commerce. Regulation of interstate commerce by the state; action by will of congress. *J. A. Burkhardt*. Miss. Law Jour. Mar., 1947.

Judiciary. The supreme court as a political institution. *Earl Latham*. Why not use the special jury? *Jeanette E. Thatcher*. Minn. Law Rev. Feb., 1947.

———. Are workmen's compensation cases triable in federal courts? *Charles B. Wallace*. La. Law Rev. Mar., 1947.

———. Appellate court interpretation of Kentucky inheritance tax statutes. *Rodman Sullivan*. Ky. Law Jour. Mar., 1947.

———. Development of *in rem* powers of courts of equity. *George N. Leighton*. Nat. Bar Jour. Mar., 1947.

———. Thoughts on the supreme court of Illinois. *L. A. Lardner*. Ill. Law Rev. Mar.-Apr., 1947.

———. The Minnesota plan for medical testimony. *T. I. McKnight*. Jour. of the Am. Judicature Soc. Apr., 1947.

———. Disqualification of judges. *John P. Frank*. Yale Law Jour. Apr., 1947.

———. Selection and tenure of judges. *W. L. Martin*. Ala. Lawyer. Apr., 1947.

———. Judicial administration; the avalanche of appellate court opinions. *C. M. Hanson*. Am. Bar Assoc. Jour. May, 1947.

Legislatures. Strengthening state legislatures. *Lynton K. Caldwell.* Legislative reference service for the congress of the United States. *W. Brooke Graves.* Am. Pol. Sci. Rev. Apr., 1947.

Labor. Labor law—injunction—United Mine Workers v. United States. *R. L. Vardon, R. O. Hancox, P. F. Westbrook, Jr.* Mich. Law Rev. Feb., 1947.

———. Enforcement of collective bargaining agreements in Swedish law. *Folke Schmidt and Henry Heineman.* Univ. of Chicago Law Rev. Feb., 1947.

———. Explaining the facts to employees. *Keith Powlison.* Wartime handling of labor disputes. *E. E. Witte.* Free collective bargaining or government intervention. *Emily Clark Brown.* Harvard Bus. Rev. Winter, 1947.

———. Portal to portal pay. *A. E. Ralston, Jr.* Tulane Law Rev. Mar., 1947.

———. Can American labor defeat the communists? *M. S. Pitzels.* Atlantic. Mar., 1947.

———. Congress considers measures to curb "unfair" labor practices; pro and con. *Symposium.* Cong. Digest. Mar., 1947.

———. Child labor and youth employment in the first year of peace. *Beatrice McConnell.* Soc. Service Rev. Mar., 1947.

———. "Cooling-off" and mediation statutes in the states. *M. O. Tobriner and R. S. Goldsmith.* So. Calif. Law Rev. Apr., 1947.

———. Labor unity. *Mark Starr.* Current Hist. Apr., 1947.

———. Labor, wake up. *F. Neilson.* Am. Jour. of Econ. and Sociol. Apr., 1947.

———. Improvement of the processes of collective bargaining. *R. D. Morgan.* Improvement of the processes of collective bargaining. *Lee Prussman.* Rocky Mt. Law Rev. Apr., 1947.

———. The guaranteed wage. *Editors.* Fortune. Apr., 1947.

———. The new congress and the unions. *John A. Fitch.* Survey Graphic. Apr., 1947.

———. Limitations of action in Alabama under wage and hour law. *A. M. Cates.* Ala. Lawyer. Apr., 1947.

———. American Jewish labor movement. *Edward Wahl.* Chicago Jewish Forum. Spring, 1947.

———. Conflict and cooperation in labor relations. *B. M. Selekman.* Harvard Bus. Rev. Spring, 1947.

———. State labor legislation and collective bargaining. *L. M. Kearns.* Georgetown Law Jour. May, 1947.

———. No strikes for utilities. *Roscoe Ames.* Pub. Util. May 22, 1947.

———. Lewis: robber baron of labor. *Will Chasan.* Am. Mercury. May, 1947.

———. Coal without strikes. *Stephen Rauschenbush.* Labor relations on a hard-boiled basis. *Charles Luckman.* Harper's. June, 1947.

Mann Act. Manhandling the Mann act? *Herman L. Taylor.* Nat. Bar Jour. Mar., 1947.

Patents and Copyrights. Importance of the American patent system to the average lawyer. *H. I. Forman.* Temple Law Quar. Jan., 1947.

Personnel. The recruitment of personnel for occupied areas. *E. E. Nobleman.* Placement programs in the federal government. *K. B. Atkinson.* The personnel job in a hospital. *J. L. Howerton.* Ten "ifs" in government personnel administration. *R. L. Beck.* A unit plan for training in clerical skills. *F. E. Miller and M. J. Harris.* Person. Admin. Mar., 1947.

Planning. Free enterprise vs. authoritarian planning. *G. V. Cox.* Jour. of Bus. of Univ. of Chicago. Apr., 1947.

Political Parties. General Benjamin F. Butler in the presidential campaign of 1864. *Louis T. Merrill.* Miss. Valley Hist. Rev. Mar., 1947.

- . The Republicans. *Editors*. Fortune. Apr., 1947.
- . Bosses and machines. *Edward J. Flynn*. Atlantic. May, 1947.
- . Why I broke with the communists. *Julian H. Franklin*. Harper's. May, 1947.
- . Presidency. How to be a presidential adviser. *Carlisle Barger*. Nation's Bus. May, 1947.
- . The presidential succession. *Lucius Wilmerding, Jr.* Atlantic. May, 1947.
- Public Administration. Financial status of federal corporations. *K. L. Pray*. Harvard Bus. Rev. Winter, 1947.
- . Executive reorganization within the federal government. *W. G. Torpey*. Minn. Law Rev. Feb., 1947.
- . Notes on the theory of government procurement. *W. J. Baumol*. Economica. Feb., 1947.
- . Sub-delegation of administrative authority in wartime. *Nathan D. Grundstein*. Geo. Washington Law Rev. Apr., 1947.
- . An essay on delegation of legislative power. *Louis L. Jaffe*. Columbia Law Rev. Apr., 1947.
- . The federal administrative procedure act. *Foster H. Sherwood*. Am. Pol. Sci. Rev. Apr., 1947.
- . Relations between the commission and the executive officer. *Charles H. Cushman*. Pub. Person. Rev. Apr., 1947.
- Public Utilities. Another milestone in regulation. *George O. May*. Public utility taxation. *Harrop A. Freeman*. Jour. of Land and Pub. Util. Econ. Feb., 1947.
- . The rôle of Smyth v. Ames in federal rate regulation. *F. F. Blachly*. Va. Law Rev. Mar., 1947.
- . Recent federal regulation of the petroleum pipeline as a common carrier. *T. L. Whitsell*. Cornell Law Quar. Mar., 1947.
- . Regulation of rates in air transportation, part II. *W. C. Burt* and *J. L. Highsaw, Jr.* La. Law Rev. Mar., 1947.
- . Oil and gas law in Mississippi. *P. H. Eager, Jr.* Tulane Law Rev. Mar., 1947.
- . Rate-fixing conspiracies in regulated industries. *Edward Dumbauld*. Univ. of Pa. Law Rev. May, 1947.
- . The failure of competition in public utility regulation. *J. A. Whilow*. Pub. Util. May 8, 1947.
- . Can regulation make utility investment attractive?, parts I & II. *Walter J. Herrman*. Pub. Util. Apr. 24, May 8, 1947.
- . Live depreciation questions. *Clyde O. Fisher*. Pub. Util. May 22, 1947.
- Race Relations. The jim crow law in Alabama. *J. W. Patton*. Ala. Lawyer. Apr., 1947.
- . Do I have a Jewish complex? *Edith Handleman*. Common Ground. Spring, 1947.
- Regional Planning. The rôle of the federal power commission in regional development. *Willard Gatchell*. Ia. Law Rev. Jan., 1947.
- . The force of social organization in regional development. *James E. Murray* and *Dewey Anderson*. Principles of regional planning; as applied to the northwest. *Carl F. Kraenzel*. Soc. Forces. May, 1947.
- Rent Control. Wartime experiment in federal rent control. *Daniel D. Gage*. Jour. of Land & Pub. Util. Econ. Feb., 1947.
- . Rents and the real estate lobby. *Editors*. Fortune. June, 1947.

Social Security. Workmen's compensation—conflict of laws. *C. J. Otjen*. Wis. Law Rev. Mar., 1947.

Standard of Living. How well can Americans live? *Editors*. Fortune. May, 1947.

State Constitutional Revision. Constitutional revision and party circle bills [Ill.]. *Kenneth B. Sears*. Univ. of Chicago Law Rev. Feb., 1947.

Taxation. Homestead, personal property, and wage exemptions in Missouri and other states. *Paul D. Hess, Jr.* Mo. Law Rev. Jan., 1947.

———. Application of federal income, estate, and gift tax laws to community property. *W. S. Petersen*. Mich. Law Rev. Feb., 1947.

———. The federal power to tax and to spend. *G. Merle Bergman*. Minn. Law Rev. Mar., 1947.

———. The impact of state law on federal income taxation. *Robert C. Bartlett*. Chicago-Kent Law Rev. Mar., 1947.

———. Federal taxes and the family—a plan for optional joint returns for husband and wife with equal division of their combined incomes for federal income tax purposes. *John W. Ervin*. So. Calif. Law Rev. Apr., 1947.

———. Federal income tax problems involved in typical oil and gas transactions in Texas. *J. Paul Jackson*. The Clifford regulations; genesis of a concept. *Martin Atlas*. Texas Law Rev. Apr., 1947.

———. Taxation of family partnerships and family corporations. *C. E. Works*. Rocky Mt. Law Rev. Apr., 1947.

———. The taxation of out-of-state tangible property. *Boris I. Bitker*. Yale Law Jour. Apr., 1947.

———. Accounting and the accountant in the administration of income taxation. *George O. May*. Columbia Law Rev. Apr., 1947.

———. Administrative difficulties in the proration of the federal estate tax. *W. S. Locke*. Conn. Bar Jour. Apr., 1947.

———. The integration of taxes on income. *Sol Levinson*. Taxes. May, 1947.

———. Integration of the tax court into the federal judicial structure. *K. A. Goldring*. Taxes. May, 1947.

———. Should congress enact the Knutson income tax reduction bill? Pro and con. *Symposium*. Cong. Digest. May, 1947.

Transportation. Regulation of minimum rates in transportation. *Truman C. Bigham*. Quar. Jour. of Econ. Feb., 1947.

T.V.A. T.V.A. in court; a study of T.V.A.'s constitutional litigation. *J. C. Swidler* and *R. H. Marquis*. Ia. Law Rev. Jan., 1947.

Veterans. We're on our own; calling all veterans. *C. G. Bollé*. Atlantic. May, 1947.

Henry Wallace. Henry Wallace, part II. *Dwight Macdonald*. Politics. No. 3 1947.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Andreas-Friedrich, Ruth. Berlin underground, 1938-1945; tr. by Barrows Mussey. [diary of underground leaders]. Pp. 326. N.Y.: Holt, 1947.

Childs, Marquis W. Sweden, the middle way; new rev. and enl. ed. Pp. 213. New Haven: Yale. 1947.

Daube, David. Studies in Biblical law. Pp. 336. N.Y.: Macmillan. 1947.

Elliott, Mabel A. Coercion in penal treatment: past and present. Pp. 60. Ithaca (N.Y.): Pacifist Research Bureau. 1947.

Fischer, John. Why they behave like Russians. Pp. 270. N.Y.: Harper. 1947.

Galbraith, John K. Recovery in Europe. Pp. 39. Washington: Natl. Planning Assoc. 1946.

Goguel-Nyegaard, François. La politique des partis sous la III^e république, 2 v. Pp. 345, 350. Paris: Editions du Seuil. 1946.

Hogg, Quinton McGarel. The purpose of parliament. Pp. 198. London: Blandford Press. 1946.

Kracauer, Siegfried. From Caligari to Hitler; a psychological history of the German film. Pp. 373. Princeton: Princeton. 1947.

Liebling, Alfred J., ed. The republic of silence. [French resistance movement]. Pp. 530. N.Y.: Harcourt. 1947.

Lurie, Samuel. Private investment in a controlled economy; Germany, 1933-1939. Pp. 259. N.Y.: Columbia Univ. Press. 1947.

MacDonald, Mary. The republic of Austria, 1918-1934. Pp. 174. N.Y.: Oxford. 1947.

Manning, Clarence A. The story of the Ukraine. Pp. 326. N.Y.: Philosophical Library. 1947.

Moylan, John Fitzgerald. The police of Britain. Pp. 41. London: Longmans, Green. 1946.

Schlabrendorff, Fabian von. They almost killed Hitler; ed. by Gero N. S. Gaevernitz. Pp. 180. N.Y.: Macmillan. 1947.

Wunderlich, Freda. German labor courts. Pp. 252. Chapel Hill: Univ. of N. C. Press. 1946

Articles

Argentina. A liberal in Argentina. *Harold E. Davis.* World Affairs. Spring, 1947.

Australia. Australia's labor philosophy. *Lloyd Ross.* Antioch Rev. Spring, 1947.

Austria. Voices over Austria. *N. A. Elliott.* Liberal Mag. Apr., 1947.

———. Independent Austria. *Marjorie Foulkrod.* Current Hist. May, 1947.

British Commonwealth and Empire. Closer commonwealth relations. *R. G. Casey.* The heart of the empire; new homes for the colonial office. *A. Creach Jones.* Commonwealth and Empire Rev. Apr., 1947.

Burma. Some supply aspects of rehabilitation in postwar Burma. *Symposium.* Asiatic Rev. Apr., 1947.

Canada. Immigration? on what basis? *Grace MacInnis.* Can. Forum. Apr., 1947.

———. The real issues in parliament. *Donald C. MacDonald.* Mental health in Canada. *Brian Bird.* Can. Forum. May, 1947.

———. The problem of price level in Canada. *D. C. MacGregor.* Social security; an administrative solution to the Dominion-provincial problem. *John L. McDougall.* Can. Jour. of Econ. and Pol. Sci. May, 1947.

Chile. A Chilean view on world affairs. *Herman Santa Cruz.* United Nations World. May, 1947.

China. Civil war in China [in Russian]. *V. Maslennikov.* World Pol. and Econ. [Russian]. Jan., 1947.

———. Peace for China? *No-Yong Park.* Current Hist. Apr., 1947.

———. Military strength in China. *Michael Lindsay.* Far Eastern Survey. Apr. 9, 1947.

———. Intelligentsia of China. *Shu-Ching Lee.* Am. Jour. of Sociol. May, 1947.

———. Structure's of China's constitution. *Joseph P. Chamberlain.* Far Eastern Survey. May 7, 1947.

———. Chiang Kai-shek. *George Moorad.* Am. Mercury. June, 1947.

Czechoslovakia. Czechoslovakia's recovery. *Ewan Wallis-Jones.* Fortnightly. May, 1947.

- Finland.** What happened in Finland? *Lauren Ziliacus*. Atlantic. May, 1947.
- France.** France after the elections [in Russian]. *V. Lubimova*. World Pol. and Econ. [Russian]. Jan., 1947.
- . Left goes right in France. *Malcolm W. Davis*. Survey Graphic, Mar., 1947.
- . Schema d'une politique monétaire, en vue d'une stabilité relative des prix. *Roger Alheinc*. Aspects budgétaires de l'effort militaire français entre les deux guerres. *François Lionnet*. Rev. Pol. et Parl. Apr., 1947.
- . L'habitat rural. *Rene Cercler*. Rev. Pol. et Parl. Apr., 1947.
- . A survey of the problems of reconstruction facing the fourth republic. *Jacques W. Walch*. Jour. of Bus. of Univ. of Chicago. Apr., 1947.
- . Les droits de la femme française dans la société contemporaine. *Marcel Poignard*. Can. Bar Rev. Apr., 1947.
- . Will the communists win France? *Andre Visson*. Am. Mercury. May, 1947.
- . Are the French immoral? *Waverley Root*. Am. Mercury. June, 1947.
- General and Comparative.** Social insurance versus poor relief. *Frieda Wunderlich*. Soc. Research. Mar., 1947.
- . State control by a state bank. *M. A. G. Harthoorn*. Fortnightly. Apr., 1947.
- . Some medieval principles of criminal procedure. *W. Ullman*. Juridical Rev. Apr., 1947.
- . The criteria of the civil law. *Reginald Parker*. The Jurist. Apr., 1947.
- . Accountancy in the modern state. *Henry Smith*. Pol. Quar. Apr.-June, 1947.
- . The victory of the saints. *Frederick H. Craemer*. Long live the king [monarchy]. *Alice R. Craemer*. Current Hist. May, 1947.
- . The preservation of civil liberties. *H. McD. Clokie*. Can. Jour. of Econ. and Pol. Sci. May, 1947.
- . New political leaders in Latin America. *Duncan Aikman*. United Nations World. May, 1947.
- . Effect of war on long-term contracts. *Heinrich Kronstein*. Georgetown Law Jour. May, 1947.
- Germany.** The German legal and penal system. *James V. Bennett*. Jour. of Crim. Law and Criminol. Jan.-Feb., 1947.
- . The German socialists and the foreign policy of the reich from the London conference to Rapallo. *William Maehl*. Jour. of Mod. Hist. Mar., 1947.
- . Denazifying the reich. *Elmer Plischke*. Rev. of Pol. Apr., 1947.
- . Building democracy in Germany. *Harold Ingrams*. Quar. Rev. Apr., 1947.
- . Pattern for German agriculture. *Hermann Levy*. Fortnightly. Apr., 1947.
- . The military government of Germany, parts I and II. *W. Friedman*. Fortnightly. Apr., May, 1947.
- . An analysis of the Soviet-controlled Berlin press. *W. P. Davison*. Pub. Opin. Quar. Spring, 1947.
- Great Britain.** The legal unity of husband and wife. *G. L. Williams*. Mod. Law Rev. Jan., 1947.
- . Have we a full employment policy? *H. S. Booker*. Economica. Feb., 1947.
- . Can Britain work it out? *Francis and Katherine Drake*. Atlantic. Mar., 1947.

- . Britain opens battle for peace-time prosperity. *Editors. Labour*. Mar.-Apr., 1947.
- . The courts and the administrative process. *B. C. S. Wade*. Keeping the peace. *B. A. Wortley*. Certiorari to an ecclesiastical court. *D. M. Gordon*. *Law Quar. Rev.* Apr., 1947.
- . Can labor govern? *John Armitage*. *Fortnightly*. Apr., 1947.
- . Constitutional studies and the present situation. *L. J. Saunders*. *Juridical Rev.* Apr., 1947.
- . The work of the Caribbean commission. *Frank Stockdale*. *Int. Affairs*. Apr., 1947.
- . What's wrong with the British film industry. *Adrian Brunel*. Trade unionism on trial. *A. E. Storman*. *Liberal Mag.* Apr., 1947.
- . Lord Brougham. *Ray St. George Stubbs*. Collusion in divorce actions. *H. L. Cartwright*. *Can. Bar Rev.* Apr., 1945.
- . Abortion—search warrants. *A. E. Rowsell*. *Police Jour.* Apr.-June, 1947.
- . The administration reconstruction examination. *F. W. Holden*. Sydney Buxton and the fair wages clause. *R. D. Denman*. *Pol. Quar.* Apr.-June, 1947.
- . Economic planning. *Herbert Morrison*. Nationalization; administrative problems inherent in a state-owned enterprise. *R. H. Thornton*. *Pub. Admin.* Spring, 1937.
- . Troubles and targets for Britain. *Alzada Comstock*. *Current Hist.* May, 1947.
- . A budget of triumph and lamentation. *Francis W. Hirst*. *Contemp. Rev.* May, 1947.
- . The press in the provinces. *Newsman*. Young people and employment. *G. A. Lord*. *Fortnightly*. May, 1947.
- . Greece. The decline and fall of Greek democracy, 1933-1936. *Sydney Waterlow*. *Pol. Quar.* Apr.-June, 1947.
- . King George of Greece. *Demetrius Caculmanos*. *Contemp. Rev.* May, 1947.
- . A five-year plan for Greece. *Laura Vitray*. *United Nations World*. May, 1947.
- . Hungary. Hungary—proving ground for Soviet-American relations. *O. W. Riggel*. *Pub. Opin. Quar.* Spring, 1945.
- . India. Exit India. *Alice B. McGinty*. *Current Hist.* Apr., 1947.
- . Justice and the poor in British India. *N. N. Pandia*. *Jour. of the Am. Judicature Soc.* Apr., 1947.
- . Les Indes en marche vers l'indépendance, part I. *Pierre Lormel*. *Rev. Pol. et Parl.* Apr., 1947.
- . Some aspects of the future defence of the new India. *Anthony Strachey*. The planning of postwar development in India. *Thomas Hutton*. The economic basis of Pakistan. *Anwar Qureshi*. *Asiatic Rev.* Apr., 1947.
- . The Indian political scene. *Frederick James*. *Int. Affairs*. Apr., 1947.
- . Industrial capital in India. *Daniel Thorner*. *Far Eastern Survey*. Apr. 9, 1947.
- . India; end and beginning. *S. K. Ratcliffe*. *Contemp. Rev.* Apr., 1947.
- . The food problem in India. *E. J. Kail*. *Contemp. Rev.* May, 1947.
- . Indonesia. Report from Indonesia. *Virginia T. Adloff*. *Far Eastern Survey*. Apr. 23, 1947.
- . Italy. Italian anti-clericalism, 1871-1914. *S. William Halperin*. *Jour. of Mod. Hist.* Mar., 1947.

- . Italian public opinion. *P. L. Fegis*. Pub. Opin. Quar. Spring, 1947.
- Japan. Japan; political reconstruction. *John M. Maki*. Far Eastern Survey. Apr. 9, 1947.
- . The occupation of Japan. *Lawrence K. Rosinger*. For. Policy Rep. May 15, 1947.
- Korea. Labor law in north Korea. *Kim Doo Yong*. Amerasia. May, 1947.
- . Korea: the U. S. gets to work. *Editors*. Fortune. June, 1947.
- Manchuria. Communist régime in Manchuria. *Anna Louise Strong*. Amerasia. May, 1947.
- Morocco. Les diverses facettes du problème marocain. *Mary Messain*. Rev. Pol. et Parl. Apr., 1947.
- New Zealand. Democracy and socialism in New Zealand. *Leslie Lipsen*. Am. Pol. Sci. Rev. Apr., 1947.
- Palestine. Palestine; the promised land. *Carol L. Thompson*. Current Hist. Apr., 1947.
- . Palestine; realities and illusions. *Eliahu Ben-Horin*. Atlantic. Apr., 1947.
- . Palestine. *Dudley Danby*. Nineteenth Cent. Apr., 1947.
- . The Jewish communal villages in Palestine. *Edwin Samuel*. Pol. Quar. Apr.-June, 1947.
- Poland. Socialism in Poland. *Emanuel Nowogrudsky*. Can. Forum. Apr., 1947.
- . Poland two years after Yalta. *Dorothy Thompson*. Am. Mercury. May, 1947.
- Rumania. Victory of the democratic forces in Rumania [in Russian]. *V. Karra*. World Pol. and Econ. [Russian]. Jan., 1947.
- South Africa. Liberalism in South Africa. *E. W. Brooks*. Liberal Mag. Apr., 1947.
- Southwest Africa. Whither Southwest Africa? *E. F. W. Gey van Pittius*. Int. Affairs. Apr., 1947.
- Spain. A comment on Spain. "Norman Macdonald." Int. Affairs. Apr., 1947.
- Soviet Union. Soviet law of inheritance, part II. *Vladimir Gsovski*. Mich. Law Rev. Feb., 1947.
- . Russia seen from within. *Peter Grimm*. Int. Conciliation. Mar., 1947.
- . Stalin and Bulganin. *Ruth Fischer*. Newsletter on Communism. Mar., 1947.
- . Shakespeare in the Soviet Union. *Mikhail M. Morozov*. Organization of science. *A. A. Mikhailov*. New railroads and railroad map. *Editors*. Written languages for people of the north. *Vasili V. Doroshenko*. 19th century Kazakh literature. *Thomas G. Wiener*. Labor reserves schools. *Mary M. Naimark*. Am. Rev. on the Sov. Union. Mar., 1947.
- . Soviet criminal law and procedure; "star chamber" or clinical jurisprudence? *Alfred L. Scanlan*. Rocky Mt. Law Rev. Apr., 1947.
- . Public opinion inside the U.S.S.R. *Editors*. America through Soviet eyes. *Alexander Dallin*. Pub. Opin. Quar. Spring, 1947.
- Ukraine. Stirrings of Ukrainian unrest. *W. H. Chamberlin*. Ukraine and the western world. *N. D. Czubatyj*. Ukrainian Quar. Winter, 1947.

INTERNATIONAL RELATIONS

Books and Pamphlets

- Galt, Tom*. How the United Nations works. Pp. 218. N.Y.: Crowell. 1947.
- Gawenda, Jerzy A. B.* Le plébiscite en droit international (problème d'ordre juridique et politique). Pp. 162. Fribourg (Suisse): Imprimerie St. Paul. 1946.

Ingram, Kenneth. Years of crisis; an outline of international history, 1919-1945. Pp. 487. N.Y.: Macmillan. 1947.

Milhaud, Edgard. L'alternative de far; paix totale ou guerre. Pp. 302. Presses Univ. de France. 1946.

Mitrany, David. A working peace system; 4th ed. London: Ont. Peace Council. 1946.

Mukerjee, Radhakamal. Races, lands, and food; a program for world subsistence. Pp. 107. N.Y.: Dryden Press. 1946.

Richmond, Sir Herbert. Statesmen and sea power. Pp. 370. N.Y.: Oxford, 1947.

Salvin, Marina. Soviet policy toward disarmament. Pp. 116. N.Y.: Carnegie Endowment for Int. Peace. 1947.

Stuyt, A. M. The general principles of law as applied by international tribunals to disputes on attribution and exercise of state jurisdiction. Pp. 272. The Hague: M. Nijhoff. 1946.

Thomas, Norman. The one hope of peace, universal disarmament under international control. Pp. 20. N.Y.: Postwar World Council. 1947.

Articles

Atomic Energy. The lessons of the first atomic year. *Stefan T. Possony.* Rev. of Pol. Apr., 1947.

— The United Nations atomic energy commission. *Editors.* Int. Conciliation. Apr., 1947.

— Shall we join the cave men? *Junius B. Wood.* Nation's Bus. May, 1947.

Canada. Canadian citizenship and the larger world. *Mackenzie King.* Canada at the Paris conference. *Brooke Claxton.* Int. Jour. Spring, 1947.

Displaced Persons. Displaced persons—a human tragedy of world war II. *Joseph A. Berger.* Soc. Research. Mar., 1947.

— Europe's expellees. *Sidney B. Fay.* Current Hist. Apr., 1947.

Egypt. Egypt, the Sudan, and the treaty. *C. B. Birdwood.* Nineteenth Cent. Apr., 1947.

— The Sudan; Egypt's claim. *Harold MacMichael.* Commonwealth and Empire Rev. Apr., 1947.

Food. Food relief discussions at the UN assembly. *Paul Martin.* Int. Jour. Spring, 1947.

France. France faces Germany. *Maurice de Gandillac.* Rev. of Pol. Apr., 1947.

— France plans for peace. *E. J. Knapton.* Current Hist. May, 1947.

Great Britain. Some historic phases of British international civil aviation policy. *John C. Cooper.* Int. Affairs. Apr., 1947.

— The empire and sea power. *John Cunningham.* Commonwealth and Empire Rev. Apr., 1947.

— British leadership in world affairs. *G. W. Keeton, Hugh Schonfield, and Gerald Samson.* Liberal Mag. Apr., 1947.

— The case against empire preference. *Deryck Abel.* Contemp. Rev. Apr., 1947.

Greece. Greece, the empire, and the United States. *F. A. Voigt.* Nineteenth Cent. Apr., 1947.

International Conferences. Debate in Moscow. *Sidney Fay.* Current Hist. May, 1947.

— After Moscow. *G. M. A. Gruba.* Can. Forum. May, 1947.

International Law. The subjects of a modern law of nations. *Philip C. Jessup.* Mich. Law Rev. Feb., 1947.

- . Notes on international law. *J. W. Tushins*. Law Society Jour. Feb., 1947.
- . The responsibility of the individual under international law. *Ernst Schneeberger*. Georgetown Law Jour. May, 1947.
- International Trade and Finance.** Problems of the world trade after the war [in Russian]. *E. Gorfinkel*. World Pol. and Econ. [Russian]. Jan., 1947.
- . Trade disarmament. *James T. Shotwell*. Survey Graphic. Mar., 1947.
- . Transpacific transportation. *Daniel Marz, Jr.* Far Eastern Survey. Apr. 9, 1947.
- . American policy concerning German monopolies. *Isaiah Frank*. Dept. of State Bull. May 11, 1947.
- Japan.** Japan must compete. *R. C. Kramer*. Fortune. June, 1947.
- Peace Problems.** The five axis satellite peace treaties. *Winifred N. Hadsel*. For. Policy Rep. Apr. 15, 1947.
- . East and west in coöperative action; a Himalayan dream. *William Stamps*. Asiatic Rev. Apr., 1947.
- . Law—a basis for peace. *A. J. Peaslee*. World Affairs. Spring, 1947.
- . Peace on earth. *G. E. Norford*. Common Ground. Spring, 1947.
- . From Potsdam to Moscow. *F. A. Hermens*. Cath. World. May, 1947.
- . The anatomy of peace. *W. R. Inge*. Fortnightly. May, 1947.
- Portugal.** Portugal and the partition of Africa. *Charles E. Nowell*. Jour. of Mod. Hist. Mar., 1947.
- Private International Law.** International combines and national sovereigns; a study in conflict of laws and mechanisms. *Sigmund Timberg*. Univ. of Pa. Law Rev. May, 1947.
- Regions.** Les Américains en Extrême-Orient. *André Dubosq*. Rev. Pol. et Par. Apr., 1947.
- . Eastern countries and the European order. *Grigore Gafencu*. Int. Affairs. Apr., 1947.
- . South Pacific region. *Werner Levi*. Far Eastern Survey. May 7, 1947.
- . Asian unity; force or façade. *Virginia Thompson and Richard Adloff*. Far Eastern Survey. May 7, 1947.
- Elihu Root.** Elihu Root on the settlement of international disputes. *James O. Howard*. Soc. Sci. Apr., 1947.
- Soviet Union.** Russia and the world. *Max M. Laserson*. Int. Conciliation. Mar., 1947.
- . Russia's claim to east Prussia. *Siegfried Garbuny*. Current Hist. Apr., 1947.
- . Peace in our time—Soviet style. *Joseph Prudzik*. Cath. World. May, 1947.
- UNESCO.** UNESCO. *Bryn J. Hovde*. Soc. Research. Mar., 1947.
- . The development of UNESCO. *Howard E. Wilson*. Int. Conciliation. May, 1947.
- . UNESCO's task. *Ritchie Calder*. Pol. Quar. Apr.-June, 1947.
- UNRRA.** After UNRRA—what? *D. S. Howard*. Survey Graphic. Apr., 1947.
- War Crimes.** The Nurnberg trials. *Thomas J. Dodd*. Jour. of Crim. Law and Criminol. Jan.-Feb., 1947.
- . The judgment of Nuremberg. *Georg Schwarzenberger*. Tulane Law Rev. Mar., 1947.
- . Drafting the Nuremberg indictment. *John N. Hazard*. Am. Rev. on Sov. Union. Mar., 1947.
- . War crimes trials, 1865-1867. *James C. Bonner*. Soc. Sci. Apr., 1947.

- . Nuremberg and after. *J. H. Morgan*. Quar. Rev. Apr., 1947.
- . War crimes trials in Germany. *M. W. Kolander*. Pa. Bar Assoc. Quar. Apr., 1947.
- . The criminality of aggressive war. *Leo Gross*. Am. Pol. Sci. Rev. Apr., 1947.
- . The Nuremberg trial. *Lord Justice Lawrence*. Int. Affairs. Apr., 1947.
- . World Organization. An analogy in support of the world court. *John G. Buchanan*. Pa. Bar Assoc. Quar. Apr., 1947.
- . Federal union. *Lucius E. Burch, Jr.* Tenn. Law Rev. Apr., 1947.
- . The United Nations assembly; analysis of aspects of international legal interest. *H. A. Smith*. Int. Affairs. Apr., 1947.
- . Law or politics for the maintenance of peace. *F. B. Schick*. Juridical Rev. Apr., 1947.
- . Wanted: a sovereign. *F. Lyman Windolph*. Am. Scholar. Spring, 1947.
- . UN—social affairs division. *Marion M. Montague*. World Affairs. Spring, 1947.
- . Truman doctrine blues. *T. J. Hamilton*. Freedom and Union. May, 1947.
- . The World and UN. *Walter Lippmann*. United Nations World. May, 1947.
- . World repose under law; what are the fundamentals of enduring peace? *Guy W. Bunge*. Am. Bar Assoc. Jour. May, 1947.
- . Human rights in a world society. *Tibor Payss*. Thought. June, 1947.

LOCAL GOVERNMENT

Books and Pamphlets

- Casariogo Fernandez, J. E.* El municipio y las cortes en el imperio español de Indias. Pp. 213. Madrid: Talleres gráficos Marsiega. 1946.
- Dieffendorf, J. W.* The school board and the school board member. Pp. 26. Albuquerque (N.M.): Dept. of Govt., Univ. of N. M. 1947.
- Glaisyer, Janet and others.* County town; a civic survey for the planning of Worcester. Pp. 331. Forest Hills (N.Y.): Transatlantic Arts. 1947.
- Harvey, Lashley G.* The manager plan and New Hampshire towns and cities. Pp. 23. Durham: Univ. of N. H. 1947.
- Hays, W. J., and Netbay, Anthony.* The small community looks ahead. Pp. 276. N.Y.: Harcourt, Brace. 1947.
- Institute for training in municipal administration.* Municipal personnel administration; 4th ed. Pp. 435. Chicago: Int. City Managers Assoc. 1947.
- Kerrell-Vaughan, A. R.* The government of the English village. Pp. 55. N.Y.: Staples Press. 1946.

Articles

- Conservation.** County forest program in Indiana. *K. L. Schellie*. County forests of Wisconsin. *F. G. Wilson*. County participation in state forestry programs. *Richard Kilbourne*. State Govt. Apr., 1947.
- Judiciary.** County courts for Michigan. *E. R. Sutherland*. Jour. of the Am. Judicature Soc. Apr., 1947.
- Local Government Abroad.** Brazil builds a new city. *S. de Lima*. Am. Jour. of Econ. and Sociol. Apr., 1947.
- . Postwar municipal elections in Great Britain. *W. A. Robson*. Am. Pol. Sci. Rev. Apr., 1947.
- . The future of the village school. *Frederic Evans*. The centenary of county courts. *Gerald Hurst*. Quar. Rev. Apr., 1947.

———. Maternity and child welfare in a large British city. *Jean M. Mackintosh*. *Am. Jour. of Pub. Health*. May, 1947.

———. Recent trends in French local administration. *V. D. Lipman*. *Pub. Admin.* Spring, 1947.

Personnel. Improving the rating of training and experience. *W. A. McCoy*. 'An approach to municipal employee training. *M. F. Morales*. Developing an effective field personnel program. *C. G. Stern*. The navy's method of position evaluation. *W. T. McDonald*. Administering federal grievance procedure. *D. C. Knapp*. *Pub. Person. Rev.* Apr., 1947.

———. Trends in municipal personnel problems. *F. C. Peitzsch*. *Pub. Management*. May, 1947.

Planning. Administrative aspects of planning and zoning at the local level in Louisiana. *L. H. Andrews*. *La. Law Rev.* Mar., 1947.

———. New York prepares for the United Nations. *Ruth G. Weintraub* and *Rosalind Tough*. *Am. City*. May, 1947.

Police. Trend toward one-man police cars. *C. H. Taylor*. *Pub. Management*. May, 1947.

Public Works. Rural public works, part I—needed improvements and useful jobs. *V. W. Johnson*, *J. F. Timmons*, and *E. Jay Hovenshine, Jr.* *Jour. of Land and Pub. Util. Econ.* Feb., 1947.

Social Work. The problem of education for social work in Cincinnati. *Blery F. Reed*. *Soc. Service. Rev.* Mar., 1947.

Zoning. Applications for building permits pending enactment of zoning ordinances. *Henry Gouley* and *W. R. Toal*. *Pa. Bar Assoc. Quar.* Apr., 1947.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Allen, E. L., Pollard, F. E., and Sutherland, G. A. The case for pacifism and conscientious objection. Pp. 24. London: Central Board for Conscientious Objectors. 1946.

Attwater, Donald, ed. Modern Christian revolutionaries; an introduction to the lives and thought of Kierkegaard, Eric Gill, G. K. Chesterton, C. F. Andrews, Berdyaev. Pp. 403. N.Y.: Devin-Adair. 1947.

Brewster, Wallace. Government in modern society. Pp. 141. State College (Pa.): Author. 1946.

Cloete, Stuart. The third way. Pp. 436. Boston: Houghton Mifflin. 1947.

Duwall, Sylvanus M. War and human nature. Pp. 81. N.Y.: Public Affairs Committee. 1947.

Eliseda, F. Moreno y Herrera. Autoridad y libertad. Pp. 226. Madrid: Gráficas González. 1945.

Geiger, George R. Philosophy and the social order. Pp. 407. Boston: Houghton. 1947.

Hald, Mark M. Human nature and the fundamentals of civilization; 2 v., 7 p. Princeton (N.J.): Author. 1947.

Hegedus, Adam de. Patriotism or peace? Pp. 266. N.Y.: Scribner. 1947.

Johnson, E. E. ed. Foundations of democracy. Pp. 278. N.Y.: Institute for Religious and Social Studies, distr. by Harper. 1947.

Knight, Frank H. Freedom and reform; essays in economics and social philosophy. Pp. 409. N.Y.: Harper. 1947.

Miller, Alexander. The Christian significance of Karl Marx. Pp. 117. N.Y.: Macmillan. 1947.

Ornstein, Hans. Macht, moral und recht, studien zur grundproblematik menschlichen zusammenlebens. Pp. 340. Bern: A. Francke. 1946.

Scarlett, William, ed. Christianity takes a stand; an approach to the issues of the day. Pp. 128. N.Y.: Penguin Bks. 1946.

Schweitzer, Albert. The philosophy of civilization; pt. 12, Civilization and ethics; 3rd ed. Pp. 312. N.Y.: Macmillan. 1947.

Véne, André. Vie et doctrine de Karl Marx. Pp. 403. Paris: Les Editions de la nouvelle France. 1946.

Articles

Anti-semitism. Anti-semitism in American literature. *C. I. Glicksberg.* Chicago Jewish Forum. Spring, 1947.

Art and Society. Art and society. *Helen Rosenau.* Contemp. Rev. May, 1947.

William Blake. The wasteland of William Blake. *Frank O'Malley.* Rev. of Pol. Apr., 1947.

Church and State. Church and state. *The Dean of Winchester.* National rehabilitation. *C. E. A. Bedwell.* Quar. Rev. Apr., 1947.

Communism. Communism versus socialism. *A. V. Baskaloff.* Contemp. Rev. Apr., 1947.

Confucius. Confucius. *Herrymon Maurer.* Fortune. Apr., 1947.

Democracy. The basis of tolerance in a democratic society. *Waldo Beach.* Ethics. Apr., 1947.

———. American democracy; expendable and exportable. *T. V. Smith.* Va. Quar. Rev. Spring, 1947.

Despair. Rationalism and the philosophy of despair: German ethics, 1913-1933. *David Baumgardt.* Sewanee Rev. Spring, 1947.

Economic Theory. Old and new economic doctrines. *Joseph Mayer.* Soc. Sci. Apr., 1947.

Existentialism. The nature of Sartre's existentialism. *Kenneth N. Douglas.* Va. Quar. Rev. Spring, 1947.

Formalism. The revolt against formalism in American social thought of the twentieth century. *Morton G. White.* Jour. of the Hist. of Ideas. Apr., 1947.

Freud. Freud and the modern mind. *Thomas P. Neill.* Cath. World. Apr., 1947.

Heine. Heinrich Heine. *F. McEachran.* Contemp. Rev. May, 1947.

Jefferson. Jefferson and Freneau. *Philip Marsh.* Am. Scholar. Spring, 1947.

Justice. Remarks on justice. *Nicola Chiaromonte.* Politics. No. 3, 1947.

Lamennais. Lamennais. *Waldemar Gurian.* Rev. of Pol. Apr., 1947.

Liberalism. Revolutionary speech in the liberal society. *Herman Brautigan.* Ethics. Apr., 1947.

———. The lost liberals. *John Fischer.* Harper's. May, 1947.

Mannheim. Karl Mannheim, 1893-1947. *Ernest Mannheim.* Am. Jour. of Sociol. May, 1947.

Morals. Time for a positive morality. *H. A. Murray.* Survey Graphic. Mar., 1947.

Newman. Newman and the spiritual crisis of the occident. *Otto Karrer.* Rev. of Pol. Apr., 1947.

Orwell. Connolly, Orwell, and Others. *David Dempsey.* Antioch Rev. Spring, 1947.

Olive Schreiner. Olive Schreiner. *D. L. Hobman.* Contemp. Rev. Apr., 1947.

Shaw. Shaw, the Fabians, and the Utilitarians. *William Irvine.* Jour. of the Hist. of Ideas. Apr., 1947.

———. Shaw and Chesterton. *William Irvine.* Va. Quar. Rev. Spring, 1947.

- Socialism.** What is a socialist economy? *E. A. Beder*. *Can. Forum.* Apr., 1947.
Sumner. Habit-ways: a footnote to Sumner. *William J. Cousins* and *Paul Oren, Jr.* *Soc. Forces.* May, 1947.
War. War and national character. *Frederick Hertz*. *Contemp. Rev.* May, 1947.

MISCELLANEOUS

Books and Pamphlets

- Emergency Committees of Atomic Scientists.** The social task of the scientist in the atomic era. Pp. 19. Princeton (N.J.): Author. 1947.
Locklin, David Philip. Economics of transportation; 3rd ed. Pp. 885. Chicago: R. D. Irwin. 1947.
Sankowsky, Mrs. Shoshanna Harris. A short history of Zionism. Pp. 223. N.Y.: Bloch. 1947.
Strebl, Ralph Frederick. Education—keystone of peace. Pp. 225. Syracuse: Syracuse Univ. Press. 1947.

Articles

- Atomic Energy Uses.** Peacetime uses of atomic energy. *Boris Pregel*. *Soc. Research.* Mar., 1947.
Contemporary Culture. The idiot maker. *Michael Grieg*. *Resistance.* May, 1947.
Legal Education. On teaching labor law. *W. W. Wirtz*. *Ill. Law Rev.* Mar.-Apr., 1947.
 ———. Liberal education, the case-system, and jurisprudence. *Harry Kalven, Jr.* *Univ. of Chicago Law Rev.* Feb., 1947.
Political Science Education. Toward a more integrated political science curriculum. *Landon G. Rockwell*. *Am. Pol. Sci. Rev.* Apr., 1947.
Social Science. Can social science be scientific—and social? *Belle B. Beerd*. *Soc. Sci. Apr.*, 1947.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service Commission

Library. Salary and wage administration in the public service; a selected list of references. Washington, 1946. 50 p. (processed) (Pamphlet 22.)

Commerce Department

- Census bureau.** City finances: 1945. (The series of 37, for cities over 250,000 population, is now complete.)
 ———. Government employment: public employment in January, 1947. Washington: Govt. Ptg. Off., 1947. 2 p. (processed).
 ———. State finances: 1946. Balances in state general, highway, and postwar-reserve funds in 1946. Final. Washington: Govt. Ptg. Off., 1947. 12 p. (processed). (Volume 2, no. 2.)

———. State finances: 1946. Volume 3: Statistical compendium: Summary of state government finances in 1946; preliminary. Washington: Govt. Ptg. Off., 1947. 11 p. (processed).

———. State governments. Elective offices of state and county governments. Dec., 1946. Washington: Govt. Ptg. Off., 1947. 36 p. (processed). (Governmental organization no: 1.)

Congress

Atomic energy joint committee. Atomic energy commission. Confirmation of Atomic energy commission and general manager, hearings before Senate section, 80th Cong., 1st sess. Washington: Govt. Ptg. Off., 1947. 951 p. \$2.00. (Relates chiefly to the confirmation of David E. Lilienthal.)

House of representatives. Committee of the whole. Enabling people of Hawaii to form a constitutional state government and to be admitted into the Union . . . Report, 80th Cong., 1st sess., March 27, 1947. Washington: Govt. Ptg. Off., 1947, 40 p.

———. *Judiciary committee.* Code of laws of the United States. Enactment of titles (4; 6, 9, 17) of the United States Code into positive law, report . . . Washington: Govt. Ptg. Off., 1947. (It is not generally realized that the United States Code, with the exception of Title 26, the internal revenue code, is only prima facie the law, and in case of repugnance between it and the Revised statutes or the Statutes at large, the latter control. However, it is the intention of the Congress gradually to go through the remaining 49 titles and enact them into positive law. House reports 251, 252, 253, 254, and 255, relate, respectively, to the titles above listed.)

———. *Foreign affairs committee.* Relief assistance to the countries devastated by war. Hearings, 80th Cong., 1st sess., on H. J. Res. 134. Washington: Govt. Ptg. Off., 1947. 129 p.

———. *Un-American activities committee.* Communist party of United States. Investigation of un-American propaganda activities in Communist party of United States as agent of foreign power. (Report pursuant to) Public law 601, sec. 121, subsec. Q(2), 79th Cong. Washington: Govt. Ptg. Off., 1947. 56 p. (H. rep. 209, 80th Cong., 1st sess.)

———. Investigation of . . . (Gerhart Eisler, alleged member of Communist party of United States.) Washington: Govt. Ptg. Off., 1947. 83 p., 9 pl. 50¢.

Reduction of non-essential federal expenditures, Joint committee. Economies in national government. Reduction of non-essential federal subsidies and federal grants-in-aid to states, including direct payments to states under cooperative arrangements and federal expenditures within states for relief and other aid. (Submitted by Mr. Byrd.) Washington: Govt. Ptg. Off., 1947. 287 p. (S. doc. 13, 80th Cong., 1st sess.)

Senate. Civil Service committee. Officers and employees of the federal government: hearings, 80th Cong., 1st sess., on S. Res. 41 . . . Washington: Govt. Ptg. Off., 1947. parts 1-4, 810 p.

———. *Finance committee.* International trade organization. Hearings . . . 80th Cong., 1st sess., on trade agreements system and proposed international trade organization charter. Part 1: testimony. Part 2: exhibits. Washington: Govt. Ptg. Off., 1947. 1425 p.

———. *Interstate and foreign commerce committee.* Regulation of rate bureaus, conferences, and associations. Hearings . . . 80th Cong., 1st sess., on S. 110 . . . Washington: Govt. Ptg. Off., 1947. 187 p.

———. *Judiciary committee.* Exempting employers from liability for portal-to-

portal wages in certain cases, report to accompany S. 70 (to amend fair labor standards act of 1938, as amended, to repeal certain provisions thereof. . .) Washington: Govt. Ptg. Off., 1947. 50 p. (S. rp. 37, 80th Cong., 1st sess.)

———. *Rules and administration committee*. Presidential succession. . . Hearings, 80th Cong., 1st sess., on S. Con. Res. 1, to appoint joint committee to investigate matters connected with succession to the Presidency . . . Washington: Govt. Ptg. Off., 1947. 63 p. 15¢.

———. Amending Senate rule relating to cloture: hearings, 80th Cong., 1st sess., on S. res. 25, 30, 32 and 39. Washington: Govt. Ptg. Off., 1947. 134 p. Same, . . . report . . . Washington: Govt. Ptg. Off., 1947. 21 p. (S. rp. 87, 80th Cong., 1st sess.)

Federal Security Agency

National office of vital statistics. Monthly marriage report. (This series reports marriage licenses issued in cities of 100,000 or more population. There is an annual summary number.)

Justice Department

Immigration and naturalization service. Constitution of United States. Our Constitution and government; lessons on Constitution and government of United States for use in public schools by candidates for citizenship; simplified edition prepared by John G. Hervey. (Reprint with changes.) Washington: Govt. Ptg. Off., 1947. 226 p. 55¢.

Labor Department

National wage stabilization board. Labor-management disputes, subsequent to August 17, 1945, involving possession of properties by Federal government; prepared in research and statistics branch by Arthur E. Suffern with assistance of Annette Greenberg. Washington: Govt. Ptg. Off., 1946. 93 p. (processed).

Women's bureau. Legal status of women in United States . . . cumulative supplement, 1938-45; (by Sara Louise Buchanan, assisted by Mary Loretta Sullivan.) Washington: Govt. Ptg. Off., 1946. 31 p. (Bulletin 157-A).

Library of Congress

Library of congress planning committee report. Washington, 1947. 14 p. (Appendix to Library of Congress information bulletin, May 13-19, 1947.)

The statutory criminal law of Germany, with comments. Prepared by Vladimir Gzovski; ed. by Eldon R. James. Washington: Govt. Ptg. Off., 1947. 276 p. (This seems to be the same text as issued earlier by the War Department.)

Law library. Guide to law and legal literature of Bolivia; by Helen L. Clagett. Washington: Govt. Ptg. Off., 1947. 110 p. (Latin American series no. 12.) 55¢.

———. Guide to the law and legal literature of the Mexican states; by Helen L. Clagett. Washington: Govt. Ptg. Off., 1947. 60¢.

———. Guide to the law and legal literature of Venezuela. Washington: Govt. Ptg. Off., 1947. \$1.50. (Latin American series no. 16.)

Legislative reference service. Termination of war controls: federal statutes affected by the termination of hostilities, the war, or emergency. Washington: Govt. Ptg. Off., 1947. 71 p. (S. doc. no. 5, 80th Cong., 1st sess.) 20¢.

Manuscript division. A guide to manuscripts relating to American history in British depositories. G. G. Griffin, comp. Washington: Govt. Ptg. Off., 1947. 313 p.

Public Affairs bulletins: 49. U.S. policy toward Argentina. A survey of past and

present policy. By Lottie M. Manross. Washington, 1947. (processed). 50. The Palestine problem. An analysis, historical and contemporary. By Charles R. Gellner. (processed.) 51. Educational and cultural relations with foreign countries. By Charles A. Quattlebaum. (processed.) (Furnished free to libraries on request.)

Guides to the official publications of the other American republics. No. 4: Chile. By Otto Neuburger. Washington: Govt. Ptg. Off., 1947. 25¢. (Latin American series no. 17.) Paraguay. By James B. Childs. Washington: Govt. Ptg. Off., 1947. (Latin American series no. 16.)

Office of U. S. Chief of Counsel for Prosecution of Axis Criminality

Nazi conspiracy and aggression: opinion and judgment. Washington: Govt. Ptg. Off., 1947. 190 p. \$1.25.

Office of Military Government for Germany (U.S.) Berlin, Germany

Constitutions of Bavaria, Hesse, and Wuerttemberg-Baden. Berlin, 1947. 74 p. (Parallel text, German and English.)

The German economy since the surrender; prepared by the Economics division. Berlin, 1947. 217 p. (Elaborately illustrated.)

President

Temporary committee on employee loyalty. Report. Washington, 1947. 39 p. (mim.)

State Department

Office of public affairs. Foreign affairs; background summary. Non-self-governing territories and the trusteeship system of the United Nations. Washington, 1947. 18 p. (mim.)

Department of state Bulletin: Beginning with the issue for May 11, 1947, there will be a selected bibliography of current United Nations documents.

The following in the numbered series of State department publications have appeared; all from the Government Printing Office, 1947:

2745. The foreign service of the United States. 86 p. 25¢.

2774. Making the peace treaties, 1941-1947. A history of the making of the peace beginning with the Atlantic charter, the Yalta and Potsdam conferences, and culminating in the drafting of peace treaties with Italy, Bulgaria, Hungary, Rumania, and Finland. 150 p. 50¢.

2775. The international control of atomic energy. Scientific information transmitted to the United Nations Atomic energy commission, Dec. 15, 1946. Volume VII . . . 30 p. 15¢.

2782. First report of the air coördinating committee, 1946. 25 p. 10c.

2784. Draft trusteeship agreement for the Japanese mandated islands . . . 20 p. 10¢.

2802. Aid to Greece and Turkey. A collection of state papers. Department of State Bulletin, Supplement, May 4, 1947. 327-909 p. 15¢.

2822. Council of foreign ministers. The Moscow meeting, March 10-April 24, 1947. Address by the Secretary of State. 18 p. 10¢.

STATE AND TERRITORIAL

ARKANSAS

University of Arkansas, Fayetteville. Bureau of research. Organization and function of state and local government in Arkansas. Henry M. Alexander. Fayetteville, 1947. 201 p. charts. (Research series no. 8.)

CALIFORNIA

Government code, 1945 . . . (Title 1. General provisions; Title 2. Government of the state of California. Sacramento, Printing division, Documents section. \$2.50. *Legislature. Joint fact-finding committee on highways, streets, and bridges.* An analysis of taxation for highway purposes in California, 1895-1946. R. M. Zettel Sacramento, Room 214 State Capitol., 1946. 273 p.

———. *Assembly. Constitution of the state of California; Constitution of the United States, and Act for admission of California into the Union; Declaration of rights; Declaration of independence; Articles of confederation; Constitutional history of California; the California legislature. 1945-1946.* Sacramento, 1946. 484 p.

———. *Interim committee on state and local taxation.* Report . . . 57th session. Sacramento, 1947. 315 p.

———. *Senate. Interim committee on governmental reorganization.* Modernization of motor vehicle registration, part II of a report to the Senate . . . by Rolland A. Vandergrift, legislative auditor. Part II. Flow charts and flow plans. Sacramento, 1946. 14 p.

———. Report on the California highway patrol . . . by Franklin M. Kreml. Part II. Sacramento, 1946. 72 p.

Senate. Interim committee on state and local taxation. Report . . . Part 1. Summary of findings and recommendations . . . Sacramento, 1947. 61 p.

State library. Handbook of information for use of members of the California legislature, 57th session, 1947. Sacramento, 1947. 104 p. map.

Los Angeles, municipal and county government section. Coordination of the permit and license issuing functions of the Los Angeles city government; a report . . . Los Angeles 13, Town Hall. 1947. 11 p.

COLORADO

University of Colorado, Boulder. Editorial opinion in the contemporary British commonwealth and empire. J. G. Allen, editor. Boulder, 1946. (Colorado studies in the social sciences, v. 1, no. 4.) \$2.50.

ILLINOIS

City of Chicago. Chicago's report to the people, 1933-1946. Chicago, 1947. 372 p. illus. maps. charts. (A highly readable, informative, and interesting production.)

INDIANA

Indiana university, department of government. Class struggle: F. D. Wormuth. Bloomington, 1946. 59 p. (Social science series no. 4. \$1.00.)

KANSAS

Legislative council. Research department. Retirement of municipal employees; analysis of the retirement problem, and survey of principal features of local and state systems, with emphasis on application to Kansas . . . Topeka, 1946. 42 p. tables. (Publication no. 144.)

———. State regulation of alcoholic beverages; constitutional provisions and state summaries. Topeka, 1947. 17 p. (mim.) (Publication no. 148.)

University of Kansas, Lawrence. Bureau of government research. Governmental agencies of the state of Kansas, 1861-1946, by Bessie E. Wilder. Topeka, 1946. 128 p. (Governmental research series no. 4.)

———. *Bureau of government research.* Legislative procedure in Kansas, by Frederic H. Guild and Clyde F. Snider. Lawrence, University of Kansas, 1946. 79 p. (Governmental research series no. 1, rev.)

———. The life of a bill, by Rhoten A. Smith. Lawrence, 1946. 31 p. (Citizen's pamphlet series no. 3.)

MARYLAND

Legislative council. Research division. The compact of 1785 . . . by Carn N. Everstine. Baltimore, 1946. 34 p. (Research report no. 26.)

MASSACHUSETTS

General court. Metropolitan transit recess commission. Report. Boston, 1947. 62 p.
Special commission relative to aeronautics. Report of the special commission established to make an investigation and study relative to the acquisition, construction, and operation of airports by the commonwealth and by cities and towns . . . Boston, 1947. 36 p. (House doc. no. 1812.)

NEW MEXICO

University of New Mexico, Albuquerque. Dept. of government. The direct primary in New Mexico, by Paul Beckett and Walter L. McNutt. Albuquerque, 1947. 34 p. (Dept. of government, Div. of research publications 7.)

NEW YORK

Executive department, Division of housing, New York City. Housing amendment to the state constitution . . . relating to the public housing law and related acts. New York City, 1946. 190 p.

RHODE ISLAND

Commission to reexamine the field of governmental operations, the cost of governmental services, and the tax structure of the state. Report . . . Central Falls, E. L. Freeman Co., 1947. Various pagings.

SOUTH CAROLINA

University of South Carolina, Columbia. Bureau of public administration. Centralized purchasing for states, Columbia, 1947. 8-vii p. (mim.) (1947 series of legislative problems, no. 4.)

———. A comparative analysis of the constitution of South Carolina. Columbia, 1947. 17 p. (mim.) (1947 series on legislative problems, no. 5.)

TENNESSEE

Planning commission. Sources of municipal revenue, December, 1946. Nashville, 1946. 12 p. (Publication no. 169.)

VERMONT

Commission on state government and finance. Vermont government; report of the Commission . . . Montpelier, 1946. 48 p. tables.

VIRGINIA

Advisory legislative council. The open shop in Virginia. Strikes in certain public utilities. Report . . . to the governor . . . Richmond, 1947. 31 p. House document no. 2.)

WASHINGTON

Interim committee on juvenile delinquency. The final report . . . including recommended legislation establishing a state department of youth protection and institutions. Olympia, 1947. 20 p.

FOREIGN AND INTERNATIONAL

BRAZIL

Constituição dos estados unidos do Brasil, 1946. Rio de Janeiro, Imp. Nacional, 1946. 95 p.

Ministerio das relações exteriores. O sentido da evolução cultural do Brasil. Carneiro Leão. Rio de Janeiro, 1946. 217 p.

———. O Brasil e a segunda guerra mundial. Rio de Janeiro, Imp. Nacional, 1944. 2 v. (Collection of documents relative to Brazil's entrance into the war.)

BULGARIA

Ministry of information and arts. Section for cultural relation with foreign countries. The struggle of the Bulgarian people against fascism. Sofia, 1946. 116 p. maps.

CANADA

Royal commission to investigate disclosure of secret and confidential information to unauthorized persons. Report . . . Ottawa, King's Printer, 1946.

COLOMBIA

Constitucion política de la República de Colombia; codificación de las disposiciones constitucionales vigentes, hecha por el gobierno, previo dictamen del Consejo de estado, y con base en la numeración de la Constitución de 1886. Bogota, Imp. Nacional, 1945. 75 p.

Congreso, Presidente. Transmisión del mando; discurso del presidente del Congreso, doctor José Jaramillo Giraldo. Discurso del doctor Mariano Ospina Pérez, al tomar posesión de la presidencia de la republica. Bogotá, Imp. Nacional, 1946. 116 p.

COSTA RICA

La embajada de la provincia de Costa Rica ante la Corte del Rey don Felipe II en 1565. María del Rosario Molina Coto. San José, Imp. Nacional, 1943. 38 p.

Universidad de Costa Rica. Facultad de letras y filosofía. Libros y folletos publicados en Costa Rica durante los años 1830-1948. Jorge A. Lines. San José, 1944. 151 p.

CUBA

Archivo nacional. Catálogo de los fondos de la Comisión military ejecutiva y permanente de la Isla de Cuba; prefacio del dr. Emilio Roig de Leuchsenring. Havana, 1945. xiv. 147 p. (Sus. Publicaciones, VIII.)

DOMINICAN REPUBLIC

Secretaria de relaciones exteriores. Memoria . . . 1945. Ciudad Trujillo, 1946. 838 p.

GREAT BRITAIN

British area of control, Berlin. Military government, Greater Berlin. Handbook of legislation and court rules. Berlin, n.d. 45 p. (45 in German, 45 parallel in English.)

———. Military government gazette. (Publishes ordinances, etc., in English and German.)

Foreign office. Documents on British foreign policy, 1919-1939, 2d series, Vol. 1. Lond: H. M. S. O., 1947. 602 p. 21/9.

———. Protocol of the proceedings of the Berlin conference, 2d August, 1945. Lond: H. M. S. O., 1947. 16 p. /3. (Cmd. 7087.)

International military tribunal, Nuremberg. The trial of German major war criminals. Proceedings of the International military tribunal sitting at Nuremberg, Germany. Part I, 20th November, 1945 to 1st December, 1945. Taken from the official transcript. Lond: H. M. S. O., 1946. 327 p. charts.

Public record office. Calendar of state papers, domestic. Addenda 1660-1685. Lond: H. M. S. O., 1947. 725 p. 45/9.

War crimes commission. Law reports of trials of war criminals. Vol. 1, Oct., 1946. English edition. Lond: H. M. S. O., 1947. 2/6.

JAPAN

Constitution. Final draft of Japanese constitution. N. P. 1946. 12 p.

MEXICO

Secretaria de gobernacion. Seis años de actividad nacional. Mexico, D. F., 1946. 591 p. plates.

PARAGUAY

Instituto geográfico militar. Antecedentes históricos y solución de la cuestión de límites entre las Repúblicas del Paraguay y Argentina en el Río Pilcomayo. Asunción, Imp. Nacional, 1946. 82 p. maps.

PERU

Consejo provincial de Lima. Libros de Cabildos de Lima. Libro decimocuarto (años 1692-1605). Indices (años 1536-1601). Lima, 1945-46. 2v.

Ministerio de hacienda y comercio. Dirección nacional de estadística. Demarcación política del Peru. Recopilación de leyes y decretos (1821-1946) por Justino M. Tarazona S. Lima, 1946. 1545 p. (A monumental work of its kind.)

EL SALVADOR

Ministerio de justicia. Boletín del Ministerio de justicia. (Volume 1, no. 1 was issued on March 10, 1947.)

YUGOSLAVIA

The question of 200,000 Yugoslavs in Austria. The Slovene Carinthia and the Burgenland Croats. Belgrad, 1947. v.p. maps.

Information officer, Yugoslav embassy, Washington. Yugoslavia's 1947 budget. Washington, 1947, 4 p. (mim.)

ALLIED COMMISSION FOR AUSTRIA

Gazette. (A monthly gazette, publication begun December, 1945. In Russian, English, and French.)

EMERGENCY ECONOMIC COMMITTEE FOR EUROPE

Statistical bulletin. (The first Bulletin was issued in March, 1946, as a confidential document. The first public edition was that for July, 1946. It is published in English and French.)

LEAGUE OF NATIONS

Board of Liquidation. Interim report(s). (There have been three of these interim reports, presented in accordance with Paragraph 9 of the Assembly resolution of April 18, 1946. The first was dated September 1, 1946; the second, December 1, 1946; and the third, March 1, 1947. All issued from Geneva.)

UNITED NATIONS

United Nations publications. Catalog No. 1. United Nations, Lake Success, New York, 1947. 23 p.

(These publications are now listed in the Bulletin of the Department of state. Few of them are listed here.)

Economic and social council. Report of the special technical committee on relief needs after termination of UNRRA. Rapporteur: J. H. Penson (United Kingdom). Lake Success, N. Y., 1947. 16 p.

———. Report of the working group for Asia and the Far East. Temporary Sub-commission on economic reconstruction of devastated areas. Lake Success, 1947. 42 p.

General assembly. Provisional rules of procedure for the General assembly . . . Lake Success, 1947. 21 p. (There is also an edition in French.)

———. Question of Palestine. Text of mandate. (Note by the Secretary-general.) Lake Success, 1947. 13 p. (mim.)

———. Question of Palestine. Working documentation prepared by the Secretariat. Volume I. Reference library on Palestine. Lake Success, 1947. 58 p. (mim.)

Public information department. Basic facts about the United Nations. 10 April, 1947. Lake Success, 1947. 42 p.

Security council. Provisional rules of procedure of the Security council. Hunter College, New York, 1946. 15 p. (processed).

Trusteeship council. Transmission of provisional rules of procedure of the trusteeship council as formulated by the preparatory commission. Lake Success, 1947. 23 p. (Text in French and English.)

PAN AMERICAN UNION

Inter-American system. Washington, 1947. 32 p. (Issued also in Spanish.)

Latin American treaty developments, 1944. Washington, 1947. 63 p. (mim.)

(This new series will take over the reporting on Latin American treaties which was done from 1938-43 in the Handbook of Latin American Studies. It supplements the chart of "Status of Pan American Treaties and Conventions" issued regularly by the Pan American Union, in that the treaty changes charted are, in this new publication, set forth in full sentences.)

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

ARTHUR W. MACMAHON
Columbia University

First Vice-President

QUINCY WRIGHT
University of Chicago

Second Vice-President

V. O. KEY, JR.
Johns Hopkins University

Third Vice-President

CHARLES FAIRMAN
Stanford University

Secretary-Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers ex-officio

EDWARD F. DOW
University of Maine

ROBERT J. HARRIS
Louisiana State University

JOHN G. HEINBERG
University of Missouri

WALTER H. C. LAVIS
U. S. Bureau of the Budget

CHESTER C. MAKEY
Whitman College

RALPH J. BUNCHE
Howard University

ROBERT H. CONNERY
Stanford University

CHARLES MCKINLEY
Reed College

C. PERRY PATTERSON
University of Texas

HAROLD S. QUIGLEY
University of Minnesota

TAYLOR COLE
Duke University

GEORGE A. GRAHAM
Princeton University

LEWELLYN FRANKUCHEN
University of Wisconsin

JOHN A. VIER
Pomona College

BELLE ZELLER
Brooklyn College

FORMER PRESIDENTS

FRANK J. GOODNOW

ALBERT SHAW

FREDERIC N. JUDSON

JAMES BEYCE

A. LAWRENCE LOWELL

WOODROW WILSON

SIMON E. BALDWIN

ALBERT BUSHNELL HART

W. W. WILLOUGHBY

JOHN BASSETT MOORE

ERNST FREUND

JESSE MACY

MUNRO SMITH

HENRY JONES FORD

PAUL S. REINSCH

LEO S. ROWE

WILLIAM A. DUNNING

HARRY A. GARFIELD

JAMES W. GARNER

CHARLES E. MERRIAM

CHARLES A. BEARD

WILLIAM B. MUNRO

JESSE S. REEVES

JOHN A. FAIRLIE

BENJAMIN F. SHAMBAUGH

EDWARD S. CORWIN

WILLIAM F. WILLOUGHBY

LEONOR LOEB

WALTER J. SHEPARD

FRANCIS W. COKER

ARTHUR N. HOLCOMEN

THOMAS REED POWELL

CLARENCE A. DYKSTEA

CHARLES GROVE HAINES

ROBERT C. BROOKS

FREDERIC A. OGG

WILLIAM ANDERSON

ROBERT E. CUSHMAN

LEONARD D. WHITE

JOHN M. GAUS

WALTER F. DODD

Copies of back issues of the **AMERICAN POLITICAL SCIENCE REVIEW** can be obtained at the following prices: Vol. I-X (1906-1916), \$1.50 per copy, except Feb., May, Aug., Nov. 1907, May 1908, Aug. 1910 and Nov. 1911, which are \$3.00 each. Vols. XI-XXV (1917-1931), \$1.25 per copy, except Feb., Aug. 1917, Nov. 1924, Feb., May, Aug. and Nov. 1925, Feb. 1926, Feb., May and Nov. 1927, Nov. 1928, May, Aug. 1929, May, Nov. 1930, Feb. and Nov. 1931, \$1.50 each; Feb. 1928 and Nov. 1929, \$3.00 each. Vols. XXVI (1932) and following \$1.00 per copy, except Feb. and Apr. 1932, Feb., June, Aug., Oct., Dec. 1934, all issues 1935, 1936, and 1937, Feb., June, Aug. and Dec. 1938, Feb., Apr., June, Aug., Oct. 1939, Apr., Oct., Dec. 1940, Aug. and Dec. 1943, \$1.50 each; Feb. 1940, Feb. 1941, Oct. 1943, Feb., Apr., June 1944, Oct. 1945, Feb., Aug. and Oct. 1946, \$3.00 each. General Index, Vol. I-XX, \$1.00. Complete Volumes XII-XXI, \$5.00 per vol.; prices for other complete volumes furnished on request. Postage extra. Prices are subject to change. Some early issues are no longer available. Address: Harvey Walker, Secretary-Treasurer, American Political Science Association, 100 University Hall, Ohio State University, Columbus, Ohio.

WANTED

Back Issues of the Review

Only copies in good condition will be accepted.

Five dollars will be paid for the November 1906 issue, Vol. I, No. 1.

Fifty cents will be paid for each copy of the following issues: Feb., May, Aug. and Nov. 1907; Feb., May and Nov. 1908; Feb., May, Aug. and Nov. 1909; Aug. 1910; Nov. 1911; Nov. 1931; Feb. 1940; Feb. 1941; Feb., Oct. and Dec. 1943; Feb., Apr. and June 1944; Oct. 1945; Feb., Aug. and Oct. 1946.

Twenty-five cents will be paid for the following issues: Feb. 1917; Feb., May and Nov. 1927; Feb. 1928; May, Aug. and Nov. 1929; Feb. and Dec. 1934; Dec. 1935; Feb., Apr., June, Aug., Oct. and Dec. 1936; Feb. and Oct. 1937; June 1938.

HARVEY WALKER, Secretary-Treasurer
100 University Hall, Ohio State University
Columbus, Ohio

The Framework of Freedom

SHOUP: THE GOVERNMENT OF THE AMERICAN PEOPLE

A study of constitutional democracy, scholarly in tone and independent in approach. A broad sense of government activity is given by the consistent treatment of the organization as an outgrowth of individual political life. Because of the close correlation of popular activity with the structure, objectives and functions of government, the book has an essential unity and clarity. Emphasis is placed on government in *action*. Development is functional.

TWO OUTSTANDING TEXTS ON GOVERNMENT

FRIEDRICH: CONSTITUTIONAL GOVERNMENT AND DEMOCRACY

A penetrating examination of comparative government. The book examines governmental forms in Europe and America and evaluates resulting national experiences. The author, a distinguished political scientist, finds in constitutional democracy the only enduring form of government—and the only one that allows a measure of freedom and well-being to the common man. Realistic consideration of constitutional evolution is based on the growth of a people toward truer democratic practice. Sections on Bureaucracy, the Politics of Constitutions, Electoral Systems, the Press and Radio, and Modern Industrial Life.



BOSTON 17.

NEW YORK 11

CHICAGO 16

ATLANTA 3

DALLAS 1

COLUMBUS 16

SAN FRANCISCO 5

TORONTO 5

ENLARGED, POST-WAR EDITION OF

The standard book
on the subject

GUAM

AND ITS PEOPLE

By LAURA THOMPSON

BROUGHT completely up to date to include the major issues that face administrators on the island today, this is a revised edition of the standard work on Guam, its native culture, economy and government.

GUAM AND ITS PEOPLE traces the history of the islanders during the past 400 years—from their discovery by Magellan, through 300 years of Spanish rule, almost 50 years of American naval government, and World War II. This comprehensive, classic work on Guam is a valuable psycho-cultural study for the administrator and social scientist alike—rich in material for future research and future policy.

At your bookstore. Illustrated, \$5.00
PRINCETON UNIVERSITY PRESS
Princeton, N. J.



POLITICAL SCIENCE CLASSICS

BOX 124 CATHEDRAL STATION
NEW YORK 25, N.Y.

*We are proud to announce the publication of our
first volume in the Political Science Classics Series*

JOHN C. CALHOUN'S
**DISQUISITION ON
GOVERNMENT**

As most readers of this Review well know, it is now well-nigh eighty years since the last printing of this highly important and almost completely unavailable work. We believe there has been a growing need for many years for re-publication of out-of-print classics in the field of political science. This organization has been formed to meet this need. Our purpose will be to select for re-publication such books as will be of most value to the greatest number of teachers and students of political science. It is to this end that we invite suggestions from all our readers, and especially from members of the American Political Science Association.

But highness of purpose is not enough to make our venture a successful one. We must have your active support in order to be able to continue; for books such as these cannot be sold in a very wide market, and must therefore depend on a concentrated sale within a rather limited group.

The books which we will publish will be volumes that you will want to own, even if you have already read them. But more than this, they will be books that might well be incorporated into the courses that you are teaching, and used for supplementary reading. Our first volume has already been chosen as a *text* for a graduate course in American Political Theory. Calhoun's *Disquisition* is our first effort. We shall watch your response with great interest.

Political scientists everywhere have a stake in the furtherance of our efforts. We believe that they will not fail to take note of the importance of the success of these efforts.

This Is a Very Limited Edition

PLEASE SEND IN YOUR ORDER SOON

Cloth Bound \$2.75

Paper Bound \$2.00

A report on

GOVERNMENTS AND POLITICS ABROAD

Edited by **Joseph S. Rousek**, Professor of Political Science; chairman, Department of Political Science and Sociology, Hofstra College; with the collaboration of **Floyd A. Cave**, San Francisco State College; **Wilbert L. Hindman**, University of Southern California; **Glenn E. Hoover**, Mills College; and **Thorsten V. Kalijarvi**, U. S. Library of Congress; formerly Professor of Political Science, University of New Hampshire.

Published in May 1947, this new textbook which includes events as late as the beginning of this year has been adopted for class use by the following schools to date: State University of Iowa, University of Southern California, San Francisco State College, University of Kansas, Teachers College of New York City, Hofstra College, Appalachian State Teachers College, Linfield College, Clemson College, Grinnell College, University of Dubuque, Washington University in St. Louis, Suffolk University in Boston, Kansas Wesleyan University, Fredonia State Teachers College, David Lipscomb College, Jamestown College, University of Illinois, University of Idaho.

This first synthesis of wartime and postwar history describes and analyzes the sociological backgrounds and political dynamics of 33 different countries and regions throughout the world, discussing the attempts of each country to achieve postwar political, economic and social stability.

Professor Kirk H. Porter, Head of the Department of Political Science, State University of Iowa, says of the book:

"In my opinion this is the most satisfactory text for a college course in Comparative Governments that is now available."

Associate Professor John Kieffer, Department of Political Science, University of Alabama, writes of the book:

"I feel that it fills the gap which has occurred in the fields of Comparative Government and International Politics. The writers have more clearly expressed the problems now existing than in any other work I have read."

595 pages, 5½ x 8½, textbook edition \$4.00

Send for your examination copy

FUNK AND WAGNALLS COMPANY

**153 East 24th Street
New York City 10**

Available for Immediate Delivery

THE BRITISH COMMONWEALTH OF NATIONS: A SYMPOSIUM

Edited by **WALTER H. BENNETT**
University of Alabama

- I. Government by Consultation in the British Commonwealth ... Eugene P. Chase
II. The Rise of a Canadian Diplomatic Service H. Gordon Skilling
III. Reconversion in Australia and New Zealand Leslie Lipson
IV. Social Democracy in the British Commonwealth W. Hardy Wickwar
PRICE \$.40

**KALLMAN PUBLISHING COMPANY, 1870 W. University Avenue,
Gainesville, Florida**

Third Printing—

POST-WAR GOVERNMENTS OF EUROPE

Edited by **DAVID FELLMAN**

(Reprint of ten articles from August 1946,
JOURNAL OF POLITICS)

Useful as a Supplementary Text 168 Pages

\$1.25 Text

\$1.50 Trade

**KALLMAN PUBLISHING COMPANY, 1870 W. University Avenue,
Gainesville, Florida**

Also—

To appear in the November **JOURNAL OF POLITICS** and to be reprinted as a
separate book:

POST-WAR GOVERNMENTS OF THE FAR EAST

200 Pages

**KALLMAN PUBLISHING COMPANY, 1870 W. University Avenue,
Gainesville, Florida**



A Unique Source Book

The Record of American Diplomacy

DOCUMENTS AND READINGS IN THE HISTORY OF
AMERICAN FOREIGN RELATIONS

Edited by RUHL J. BARTLETT, Tufts College

THE RECORD OF AMERICAN DIPLOMACY is a selection of key documents and other important sources which show the evolution of the foreign policy of the United States and the historical relations of this country with other nations.

From such a record citizens and students alike can understand the foundations, development, and recurrent problems of American statecraft. For scholars and public officials it is a convenient reference. Over three hundred selections, carefully edited, arranged on the whole chronologically, and printed in readable type, are drawn from treaties and pacts, diplomatic dispatches, instructions, and notes, speeches and debates, as well as editorials and other sources, both official and unofficial.

"Once this volume is available and in use teachers will wonder how they ever got along without it."—SAMUEL FLAGG BEMIS, *Yale University*.

". . . Mr. Bartlett has given us a volume which will be of very great value in the teaching of American diplomacy."—DEXTER PERKINS, *University of Rochester*.

Just published, 768 pages, \$6.00 net, \$4.50 text.

Please notify the College Department if you desire an examination copy.

ALFRED A. KNOPF, Inc.

501 Madison Avenue, New York 22



Ready this month . . .

the book which already before publication has attracted widespread attention for its welcome solution to the problem of how to teach the introductory course in political science:

CORRY: ELEMENTS OF DEMOCRATIC GOVERNMENT

Typical comments from professors who have seen the book in proof:

'The idea of trying to make political science simpler and more lucid, without letting down on the essential content and logic, is a common one. Many have tried it, and practically none have succeeded. I would say that Mr. Corry has taken a long stride toward it. I know of no book that packs more of what the modern student ought to learn, with less of the repelling pretentiousness and pedantry required only to impress professors.'—George S. Pettee, Amherst College

'It seems to me that this book is nearly ideal as a text for an introductory course in problems of democratic government.'—James H. Robertson, Knox College

'To my mind, it is by all odds the best in its field just now.'—John E. Lawson, University of Denver

'For some time I have been experimenting with an introductory course which will not merely give students a composite of the principles and structure of American government, but in addition materials that will present a more critical evaluation of the theoretical concepts of government. . . . I believe Mr. Corry's book includes an adequate discussion of the fundamentals that may be put across to students within the confines of a one-semester course.'—Malcolm Moos, Johns Hopkins University

528 pages \$3.75

ELEMENTS OF PUBLIC ADMINISTRATION

AMERICAN GOVERNMENT

PUBLIC OPINION IN A DEMOCRACY

Edited by F. Morstein Marx

Fourteen outstanding authorities have combined, in this brilliant new study, a sound academic background with extensive governmental experience. The result is a highly unified text that demonstrates graphically the modern administrative effort, and tells how it can be made to count.

Notice these important features:

- Gives fundamental problems in the administrative process, and follows them through the entire system.
- Takes a fresh view of administrative theory and practice.
- Furnishes a mature understanding of public administration in the modern service state.

Adopted by Harvard, Chicago, Columbia, Yale, Princeton, University of California, Northwestern, New York University, University of Michigan, University of Texas, University of Maine, College of the City of New York, and many others.

By W. Reed West

On the conviction that real understanding of our governmental organization and problems requires a foundation in constitutional theory, Professor West has stressed constitutional aspects more heavily than most authors do. In addition, his use of the unified system of exposition avoids the repetition of the traditional system, and the confusing cross-reference of the functional system.

By Charles W. Smith, Department of State

Electioneering tactics, pressure groups, censorship, newspapers, radio—these are but a few of the important topics treated in this outstanding work, which covers the entire field of public opinion. Soundly written, scholarly in approach, it supplies an ideal basic text for your course in Political Science, Sociology, Journalism, or Public Opinion.

Send for your approval copies



PRENTICE-HALL, INC. 70 FIFTH AVENUE, NEW YORK 11

AMERICAN GOVERNMENT AND POLITICS *9th Edition*

By Charles A. Beard

In the ninth edition of this famous text Dr. Beard further emphasizes those fundamental ideas, changes, and tendencies which should be fully understood by every responsible citizen today. He has expanded the discussions of the nature and maintenance of constitutional government, and of the *tendencies* implicit in recent changes. He has dwelt more fully on liberty and authority and on the struggle for power within the federal system; and has added a new chapter on The Quest for Efficiency and Responsibility in Government. A Federal Edition, containing only the material on the National Government is also available at a price of \$3.75.

872 pages. \$4.50

POLITICS AND POLITICAL ORGANIZATIONS IN AMERICA

By Theodore W. Cousins

This text for the course on American political parties fully covers all aspects of the subject: the components of political organization, the historical development of American parties and party politics; the actual operation today of our party system. There is much information on the structure of political parties, party membership, pressure groups, and the many forces influencing and directing political opinion. The discussion of the present operation of American party politics is full and clear. Information about the costs of the 1940 campaign is also included.

617 pages. \$4.50

The American Political Science Review

VOL. XLI

OCTOBER, 1947

NO. 5

JAPAN'S CONSTITUTIONS: 1890 AND 1947

HAROLD S. QUIGLEY

University of Minnesota

I. A NEW CONSTITUTION PROMULGATED

The Meiji¹ constitution was in effect from November 29, 1890, until May 3, 1947, a period of fifty-six years and approximately five months. The present constitution, which may be known after the demise of Emperor Hirohito as the Showa² constitution, was proclaimed in effect by Premier Yoshida Shigeru in the presence of Hirohito on May 3, 1947. The proclamation was read from a platform on the Palace plaza in Tokyo. The audience of five thousand people which stood in the rain before the platform was small in comparison with the huge crowd that surged around the imperial carriage on November 3, 1946, following the official ceremony of promulgation; but it was equally enthusiastic in its demonstration of loyalty. On both occasions, it was apparent that the embarrassed-looking, bespectacled little Emperor, and not the constitution, was the center of popular interest.

The imperial message given out on November 3, 1946, read:

"I have caused this day the constitution of Japan to be promulgated.

This constitution represents a complete revision of the imperial constitution. It seeks the basis of national reconstruction in the universal principle of mankind. It has been decided upon by the freely expressed will of the people. It explicitly stipulates that the people of Japan renounce war of their own accord, that they desire to see the realization of a permanent peace founded on justice and order throughout the world, and that having constant regard to the fundamental human rights, they will conduct the national affairs on the fixed line of democracy. It is my wish to join with

¹ Meiji: title of reign era of Emperor Mutsuhito, meaning "Enlightened Government." The effective date coincided with that of inauguration of the Diet.

² Showa: title of reign era of Emperor Hirohito, meaning "Radiant Peace."

my people in directing all our endeavors toward due enforcement of this constitution and the building of a nation of culture tempered by the sense of moderation and responsibility and dedicated to freedom and peace."³

The official promulgation ceremony was held in the chamber of the House of Peers and was attended by the members of both houses. The galleries were open to visitors and were well-filled. Klieg lights illuminated the rostrum and the imperial chair behind and above it. Press and camera men were present. Solemnity of funereal depth marked the proceedings. No presiding officer appeared, the chamber was not called to order, and none of the speakers was introduced. Premier Yoshida and his cabinet colleagues ranged themselves in front of the rostrum shortly before Emperor Hirohito entered. His dark blue suit, buttoned to the neck, was of military cut and bore a single large decoration. He stood before his red-brocaded chair and read aloud the promulgation rescript handed to him by the Grand Chamberlain. The Premier then received the rescript and read a brief reply, after returning to the floor of the chamber and reascending to the rostrum.⁴ The President of the House of Peers and the Speaker of the House of Representatives also read replies to the rescript. There were no *banzai* (hurrahs) from the members, who stood silently throughout the ceremony and bowed when the principal participants bowed. Within fifteen minutes, the Emperor had left the chamber, and the memorable ceremony ended without formal adjournment.

Continuity was officially declared between the old and the new documents in the imperial rescript of promulgation: "I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people, and hereby sanction and promulgate the amendments of the imperial Japanese constitution effected following the consultation with the Privy Council and the decision of the Imperial Diet made in accordance with Article 73 of the said constitution."⁵ The words "revision" and "amendments" are, however, descriptive only of the procedure followed. The new constitution is not, in fact, a revision, but an entirely new instrument of government. Japan's fundamental law has been fundamentally changed. Whether or not a corresponding

³ *Official Gazette*, extra, Nov. 3, 1946.

⁴ The descents from the rostrum were difficult as they were required to be made backward, but there were no casualties.

⁵ *Official Gazette*, extra, Nov. 3, 1946, p. 1.

change will occur in Japan's political way of life, thus infusing reality into legality, only time will tell.

II. FORM AND MODELS

The new constitution is entitled simply "The Constitution of Japan," and throughout the document the terms "empire" and "imperial" are used less frequently than in the old instrument.⁶ In general, the sequence of chapters is the same in both, but the new document has eleven chapters, the old seven, the additional chapters being the second: "Renunciation of War;" the eighth: "Local Self-Government;" the ninth: "Amendments;" and the tenth: "Supreme Law." There are 103 articles in the new, 76 in the old constitution. In phraseology, the new instrument is somewhat rhetorical and is less definite and legalistic than that of Ito Hirobumi and his co-drafters of Meiji.

Whereas the constitutions of Prussia and other German states of the early 1880's were the models used by Meiji statesmen, American, British, and internationalist principles are dominant in the present constitution. The revolutionary change involved cannot be felt more forcefully than by reading a few sentences of the respective preambles. In 1889, Emperor Mutsuhito prefaced his gift of liberties with these words:

"Having, by virtue of the glories of our ancestors, ascended the throne of a lineal succession unbroken for ages eternal . . . we hereby promulgate . . . a fundamental law of state, to exhibit the principles by which we are to be guided in our conduct"

The rights of sovereignty of the state we have inherited from our ancestors and we shall bequeath them to our descendants"

The preamble of 1947 reads, in part:

"We, the Japanese people, acting through our duly elected representatives in the National Diet . . . do proclaim that sovereign power resides with the people and do firmly establish this constitution. Government is a sacred trust of the people, the authority for which is derived from the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict therewith."

⁶ The new constitution, in English translation, was printed in the Japanese *Official Gazette*, Nov. 3, 1946, and issued in pamphlet form by the cabinet secretariat; the old constitution is accessible in H. Ito, *Commentaries on the Constitution of the Empire of Japan* (Tokyo, 1889 and 1906), and in H. S. Quigley, *Japanese Government and Politics* (New York, 1932), Appendix IV.

III. SOVEREIGNTY AND SOVEREIGN

Obviously, no Japanese conceived or wrote the lines quoted from the new preamble. They were composed while the old constitution was in force and would have been arrant *lèse majesté* under it. But today they are part of Japan's supreme law which all Japanese, in or out of public office, are bound "to respect and uphold." It is probable that the majority of the people do not know what they mean and that an influential element accepted them only under duress and will seek to dilute them by interpretation. Among the latter are honest men who fear that too rapid democratization will produce disorder and civil strife. Others cherish the privileges and power of oligarchy and bureaucracy. Perhaps both aspects of this attitude, which, while anti-militarist and pro-Western, is too deeply attached to tradition to welcome popular sovereignty, are revealed in the position taken by Dr. Kanamori Tokujiro, the minister of state who bore the brunt of the burden of explaining the provisions of the constitution to the members of the Diet. When pressed by an eminent professor of constitutional law, Dr. Sasaki Soichi, as to whether or not the new constitution provided for a change in the national polity (*kokutai*), Kanamori replied in the negative. He maintained that the constitution does not alter the "characteristics of the state." Dr. Sasaki responded that the principal characteristic of the Japanese state had been the sovereignty of the Emperor by virtue of his lineage. He maintained that with the disappearance of this characteristic feature the polity had been fundamentally altered. Kanamori, however, with the support of Premier Yoshida, argued that Sasaki was pointing to a mere legal change which would not affect the moral position of the dynasty—the true index of the national polity.⁷

Kanamori's interpretation is understandable to the Japanese people. The Emperor has in fact been a moral, not a political, ruler. Consequently, sovereignty to the Japanese is a moral, not a political or legal, concept. This fact will strengthen the opponents of democracy, who will argue that principles have not changed, but that machinery of a more scientific type has been installed. It is unfortunate that this process of undermining the democratic movement could begin during the gestation period of true constitutionalism. Professor Sasaki's view—that sovereignty is a legal, not

⁷ House of Peers, 90th Session, August 29, 1946, p. 17; August 30, pp. 15-16.

a moral, concept and that the Emperor has been both sovereign and moral leader, but has surrendered sovereignty while retaining moral leadership—exhibits an understanding of the issue. Unless Japan's statesmen are willing and vigorous exponents of popular sovereignty, there can only result a period of confused thinking, culminating in a struggle for power between the forces of liberalism and reaction.

Deference to Japanese sentiments underlies the allocation of Chapter I, as in the old constitution, to the position of the Emperor. Article 1 of 1947 contrasts with Article 1 of 1889. The former runs: "The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the will of the people, with whom resides sovereign power." The latter: "The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal."

In political terms, the Emperor, endowed by the old constitution with supreme executive, legislative, and judicial power, has been a symbol of rule, not a ruler.⁸ Thus the new constitution embodies in law a political fact many centuries old. The Emperor is authorized to perform certain "acts of state," but is specifically forbidden to exercise "powers related to government." This prohibition is vague and difficult of enforcement, but its intent is clear. In the light of history, there is small likelihood that a Japanese Emperor will seek to govern. The opponent of democracy is not autocracy but bureaucracy.

IV. RENUNCIATION OF WAR

The new constitution is unique in history in its renunciation of war and of the threat or use of force as a means of settling international disputes. The right of self-defense is not renounced, but will be ineffective without military forces, all types of which "will never be maintained." These provisions, as well as the expression of trust "in the justice and faith of the peace-loving peoples of the world," read strangely in the present world situation. That they will outlive the reestablishment of Japan's independence is more than doubtful. Not only are political probabilities against their permanence; international law also may be appealed to in justification of repudiation of them unless other states follow the example which Japan, perforce, has set.

⁸ H. S. Quigley, *op. cit.*, Chap. V.

V. CIVIL RIGHTS

The principle that "subjects" shall enjoy civil rights was recognized and implemented, to a certain extent, in the old constitution. The rights enumerated were, in general, those customarily granted in the constitutions of democratic states. They were not, however, constitutionally guaranteed, since their definition was left to legislation and their standing in the courts was dependent upon it. The control of a bureaucratic, and at times militarist, executive over the Diet, the broad ordinance power, and the weakness of popular agencies of expression contributed to transform the old bill of rights (Articles XVIII-XXXII) into a declaration of ideals.

A warm sympathy for the common man vitalizes the civil rights chapter of the new constitution. Emphasis, in eloquent rather than precise language, is placed upon "human rights." They are declared to be "eternal and inviolate" and to belong, not to subjects or citizens, but to "the people." They are guaranteed by the constitution itself, all the old references to limiting "provisions of law" having been swept away. In a few articles, sentences from the American bill of rights are copied verbatim. But the general character of the provisions is to be traced to the desire to strike at feudal survivals—to assure respect for the individual and to encourage him to struggle to maintain his rights; to eliminate discrimination between social classes, the sexes, religions, husband and wife, rich and poor. The United Nations Charter may have influenced these articles. But they also have precedents in Oriental legislation, which goes farther than Occidental in mixing high precept with immediately enforceable provisions.

VI. PARLIAMENTARY GOVERNMENT

Although Article 55 of the Meiji constitution—"The respective ministers of state shall give their advice to the Emperor and be responsible for it"—was indefinite regarding the direction of responsibility, in practice the ministers were primarily responsible to the throne; and since the throne was a symbol rather than a seat of power, the ministers were in practice responsible to themselves or to the oligarchy which ruled from behind the throne. Thus the executive branch actually exercised the legislative power constitutionally vested in the Emperor acting with the consent of the Diet. The Cabinet was not obliged to resign upon vote of want of

confidence. If thwarted in its legislative program it could resign and seek a new mandate by election. Its ordinance powers were enormous. But its principal asset was the age-old tradition of bureaucratic government which held the people and their elected representatives in thrall.

Today the parliamentary system, on the British pattern, is the central feature of the Japanese government. The Diet is "the highest organ of state power and . . . the sole law-making organ of the state" (Article 41). The premier is elected by the Diet and the Cabinet is responsible to it. Resignation or appeal to the country through election must follow a vote of want of confidence by the House of Representatives. A majority of the Cabinet members must be members of the Diet.

Unless the deference to executive rule which has characterized the Diet continues to paralyze the political parties, there should be rapid progress along the road to democracy. Not only does the new constitution definitely subordinate the Cabinet to the Diet; it weakens the executive as a whole by omitting provisions and conventions of the old constitution which prevented a liberally-minced Cabinet from exhibiting responsibility to the Diet. Unaided or unhampered by a Privy Council, an Imperial Household Ministry, and a group of powerful military agencies, the Cabinet must accept responsibility and need not fear to do so. Stripped of the legislative ordinance power, it must go to the Diet to implement its policies. Its great financial powers no longer exist.

In view of the abolition of the peerage, and of the provision (Article 43) that both houses of the Diet shall be elected and "representative of all the people," the subordination of the "upper" to the "lower" house lacks the justification which it has in Great Britain. It is in accord, however, with the expectation that the new upper house, although popularly elected, would tend to carry over the conservatism of its predecessor. As in Great Britain, where the Cabinet was and is responsible to the House of Commons, it follows logically that the House of Councillors, like the House of Lords, should be unable to veto Cabinet proposals. But a consultative house, combining the valuable attributes of the old Privy Council and House of Peers and deprived of their crippling authority, is an essential feature of successful parliamentarism in Japan.

VII. REPUDIATION OF DUALISM

The constitutional position of the composite of agencies known as the Supreme Command brought about a dualism in the operation of the executive branch which embarrassed and at times paralyzed the Cabinet.⁹ Manifested most obviously in relation to foreign affairs, dualism affected the whole range of political action. Since the Supreme Command, if it maintained unity, could force acceptance of its views, the net result of dualism was military domination of government.

The new constitution, as noted above, prohibits the maintenance of military forces of any type. One might expect to find the prohibition of ministries of war, navy, or national defense, and of other agencies of military administration. No such provision appears. On the contrary, the implication in Article 66—"The Prime Minister and other ministers of state must be civilians"—is that military ministries may be established.¹⁰ However, there is no provision for the exercise of military authority outside of the Cabinet, in which executive power is vested. Constitutional dualism is abolished. When the efforts of Hara, Hamaguchi, Inukai, Saionji, and Takahashi to confine the military power within its proper limits are recalled, there is warrant to believe that future conspirators against civilian government will be unable to reinstate the constitutional bases of militarist control.

VIII. JUDICIAL INDEPENDENCE AND REVIEW

Japan's judges have been men of ability, integrity, and learning. They have been constitutionally protected from executive interference and removal. The courts have been recognized as a separate branch of government, though functioning on behalf of the Emperor, the repository of judicial power. Their judgments have not been reversible by the minister of justice. The intent of the framers of the Meiji constitution that the judiciary should be independent of the administrative officers has been realized in considerable measure.

The attainment of complete independence has been delayed in part by the inclination of judges to defer to the administration, a heritage from feudal times, and in part by the authority of the

⁹ H. S. Quigley, *op. cit.*, 87-89, 104-117.

¹⁰ The quoted provision was added to the original draft in the House of Peers and was explained by the chairman of the special committee to which the draft was referred as designed to exclude former military officers from Cabinet posts.

minister of justice to make the rules of judicial procedure, to make appointments and recommend promotions, to direct the work of the procurators, and to initiate prosecution in all criminal cases. The new constitution (Article 6), seeks to strengthen the position of the courts by denying final judicial power to any organ or agency of the executive, by endowing the Supreme Court with extensive rule-making powers, and by authorizing it to nominate the judges of the inferior courts. Presumably, other desirable reforms will be made by statute.

The Supreme Court has had the power to declare ordinances unconstitutional. This is now expanded to cover statutes, a less revolutionary change in law than might be supposed, since the courts have been the implementers of the all-embracing imperial prerogative.¹¹ In relation to practice, however, the change is revolutionary, enabling the Supreme Court to exercise political power to check the Diet on behalf of the sovereign people. Whether this power will result in strengthening the Diet against an executive as yet new to its responsibility to that body, or will back-fire in support of intransigent bureaucracy, will depend upon the rate of growth of the democratic spirit.

IX. LOCAL SELF-GOVERNMENT

Local autonomy in prefectures and municipalities is established as a principle in the new constitution, which leaves it to the Diet to implement the principle by law. Except for popular election of prefectural governors, no specific change in the existing system of local government is prescribed by the constitution.

X. AMENDMENTS

Executive control of initiation of constitutional amendments is replaced by that of the Diet, and ratification by the people is required to complete the process of amendment. Admirable simplicity characterizes the entire process: two-thirds concurrence of all members in each house; ratification by majority vote in a special referendum or a specified election.

XI. CONCLUSIONS

No attempt has been made here to appraise the relative importance of the contributions of agencies or individuals of the allied powers which are represented in the occupational administration,

¹¹ H. Ito, *Commentaries on the Constitution* (2nd ed.), pp. 111-112.

and of Japanese agencies or individuals. Official evidence is lacking on the point.¹² But internal evidence clearly indicates that the new constitution is a product, in the main, of Occidental, not Japanese, draftsmen. It does not represent the views of the men who staff the Japanese government today nor of those who compose the conservative majority in the Diet.

Professor T. Minobe, Japan's foremost liberal commentator on constitutional law, was opposed to discarding the Meiji constitution. He believed that democracy could advance under it if it were properly enforced.¹³ Professor Minobe has devoted his life to interpreting the old constitution upon democratic principles. No one knows as well as he how difficult and dangerous that effort has been. On the other hand, democracy has advanced in Japan during the past fifty-seven years. Who can say that new forces released from bondage by the defeat would not have infused new meaning into the old document? Would not the freedoms written in the new constitution have been more clearly understood and more greatly prized if they had come out of struggle and not as a gift? Perhaps the answer is that constitutions are not what is written but what is done, and that the struggle to prevent the misinterpretation or amendment of the new Japanese constitution will afford plenty of exercise for such new forces as may emerge.

Assuming that these new liberal forces do emerge, will they feel the handicap, will they resent the implications, of a constitution imposed by alien conquerors? Will the results of arduous and sincere, if over-hasty and self-satisfied, effort be swept away by a gust of nationalism? Many factors—Japanese opinion toward occupation policy, post-treaty trade relations, the attitude of the United Nations, and the position of Russia—may operate to preserve or to destroy this document. Like the Weimar constitution, it represents the political center. Japan today, like Germany of 1920, lacks a strong center party. The country may swing wide to the right or to the left. The new constitution is, however, a projection of lines of development that were apparent before the Manchurian crisis occurred. That fact is an augury of its survival.

¹² Dr. D. N. Rowe cites the *Christian Science Monitor* in connection with a statement that the draft of March 6, 1946, which was but slightly amended before promulgation, "was entirely the work of the Government Section" of SCAP; see his article, "The New Japanese Constitution—I," in *Far Eastern Survey*, Jan. 27, 1947, pp. 16-17. The minutes of the Diet support this statement.

¹³ *Monthly Summary of Non-Military Activities, Japan*, SCAP, Nov., 1945, p. 3.

WORKERS' CONTROL OF INDUSTRY AND THE BRITISH LABOR PARTY

ROBERT A. DAHL

Yale University

Socialist thought has long contained two potentially contradictory doctrines concerning the control or management of productive enterprises under a socialist régime. One of these is the idea of *workers' control*: the concept that under socialism workers will no longer be merely passive victims of the productive process, but direct participants in the control of productive enterprises. The other is the idea of *central control* on behalf of the entire community: the concept that socialism will replace "the anarchy of production" under capitalism with a central determination of the appropriate goals of economic activity. That there is possibility of conflict between these two objectives is self-evident. The decentralization of economic administration implied by workers' control may easily contradict the desire for centralization of certain kinds of economic decisions. Conceivably, one goal or the other might have to be abandoned, or at least seriously modified.

Today, for the first time in any major industrial nation, a socialist party pledged to the maintenance of democratic institutions is undertaking the task of building socialism. The achievements of the British Labor party may well determine the future goals and techniques of democratic socialists elsewhere. It is not inconceivable that success or failure of the British experiment will determine the path that Western Europe will follow. It is noteworthy, then, that during the last decade the Labor party has abandoned the goal of workers' control; in its current program of nationalization, it is making no provision for *direct* control of production by workers. This modification of socialist objectives, representing a swing away from the syndicalist content of socialist thinking in the direction of Fabian ideas, was achieved only after the entire socialist movement and the Labor party itself underwent the test of a protracted internal struggle, both of an intellectual and of a practical kind.

I. ORIGINS OF THE CONFLICT

The British Labor party is a fusing of several traditions and ideologies, the most significant of these for the debate over workers' control being three: Fabianism, Guild Socialism, and trade

unionism. Fabianism typified parliamentary socialism without syndicalism; it represented an exaggeration of the power of state institutions *vis-à-vis* non-state institutions. Guild Socialism and the ideology of the British trade union movement represented attempts to fuse parliamentary socialism with syndicalist elements, to strengthen social and economic institutions against the over-riding power of the state. Where Fabianism relied on the power of the worker as a citizen, as a political animal, to control and direct the state toward beneficent social goals, the Guild and trade union ideology relied on the worker as worker, as an economic animal, to offset state power. It followed, therefore, that where the Fabians opposed direct workers' control of socialized industries and favored exclusive parliamentary control, the Guild Socialists and spokesmen for a part of the trade union movement opposed exclusive parliamentary control and favored some form of direct participation by the workers in the control of industry. In these two conflicting statements of socialism, the major arguments for and against workers' control were delineated.

Repudiating the Marxian conception of the class-exploitative state, the Fabians set in its place the essentially idealist version of the state as a potential instrument for the liberation and equalization of men in economic society. The Fabian hypothesis was more than a mere negation of the Marxist view of the state; it was a positive affirmation that the state is potentially good. To Marx, the state was inherently evil in the sense that it is inevitably accompanied by oppression; either the bourgeoisie uses the state to oppress the proletariat, as under capitalism, or the proletariat uses the state to repress the bourgeoisie, as under the dictatorship of the proletariat. To the Fabians in Britain and to evolutionary socialists on the Continent, in contrast to Marx, freedom and the good society could be constructed and maintained only through the state.

On the Continent, a generation earlier than the Fabians in Britain, Lassalle had explicitly affirmed for socialists an idealist version of the state. The state has as its purpose, he said in 1862, "to make it possible for the individuals, by means of this unity, to attain such ends, such a stage of existence, as they as individuals never could attain; to enable them to attain a degree of culture, power and freedom that would be, to every one of them as individuals, absolutely unattainable."¹ The Fabians, with their wonted

¹ Quoted in Edward Bernstein, *Ferdinand Lassalle as a Social Reformer*, trans. by Eleanor Marx Aveling (London, 1893), p. 104.

caution, were more guarded, and tended to speak rather of society than of the state, of the community life transcending that of its members, of the derivation of the individual's life and personality from society; one's debt to the social organism was to be repaid by fulfilling one's "humble function in the great social machine."² Possibly inspired by the revived Greek conceptions of the Oxford idealists, when the Fabians considered the state, they, like Lassalle, looked upon it as an instrument rather of liberation than of oppression. The achievement and operation of socialism were in consequence a matter of educating the people to use Parliament in behalf of economic freedom and equality; a matter, in other words, of combining the ends of socialism with the means of parliamentary democracy.

Two features of the Fabian conception of state and government led inevitably to the rejection of workers' control. The first was the acceptance of parliamentary supremacy as an expression of the majority will. The primary interest of the Fabians, therefore, was not in displacing Parliament, but in making it an efficient instrument of majority rule. "Remember," they cautioned in 1890, "that Parliament, with all its faults, has always governed in the interests of the class to which the majority of its members belonged. . . . And it will govern in the interests of the people when the majority is selected from the wage-earning class."³ Since they were to ride to power by mastering Parliament, the Fabians would accept no fanciful ideas of workers' control of industry. Workers' control was essentially anti-social, they contended, since it placed the demands of the workers in a particular industry above those of the community as a whole. Hence all the energy elsewhere drained into schemes for self-government in industry was turned into a Fabian zeal for making parliamentary government more effective, through universal suffrage, abolition of property qualifications, public payment of election expenses, salaries for members of Parliament, triennial (or even annual) elections, abolition of the House of Lords, and other important but undramatic reforms. Not merely workers' control, but all other attempts to infringe on the supremacy of Parliament or to weaken Parliament as a majoritarian institution were consistently opposed by the Fabians. Socialism rested on democracy, democracy on majority rule, and majority rule on

² Sidney Webb, "The Historic Basis of Socialism," in *Fabian Essays in Socialism* [1889] (London, 1931), pp. 53-54.

³ *What Socialism Is*, Fabian Tract No. 13 (London, 1890).

parliamentary supremacy. To have any public official ultimately responsible to some agency other than Parliament was a denial of the whole meaning of the British constitution.⁴

The other determining feature of the Fabian conception of government was an uncommon respect for the expert; turning a problem over to some expert body was the invariable Fabian solution for each new governmental difficulty that appeared. "Legislation and governmental administration," wrote Sidney Webb, "necessarily become in all highly organized communities—however democratic they may be—more and more the business of persons elaborately trained and set apart for the task, and less and less the immediate outcome of popular feeling."⁵

The reform of the civil service, largely completed before the Fabian Studies began to appear, had so successfully demonstrated the superiority of the expert administrator over the ill-trained amateur that even socialists were impressed. It followed inevitably that management of a nationalized industry ought to be in the hands of experts responsible to Parliament through an appropriate minister. In such a scheme, there was no place for the fumbling efforts of the workers' delegates. The essence of the Fabian ideal, therefore, was parliamentary government, plus the British civil service, plus public ownership. Fabian socialism was to be government based on common consent and administered by philosopher-kings responsible to Parliament.⁶

Such a conception of the socialist ideal could have been formu-

⁴ For various criticisms of workers' control, see Sidney Webb, *Socialism: True and False*, Fabian Tract No. 51 (London, 1894), p. 16. See also, *A Flea for an Eight Hours Bill*, Fabian Tract No. 16 (1891), p. 3; and *The Case for an Eight Hours Bill*, Fabian Tract No. 23 (1891), p. 7. For parliamentary reforms, see *The New Reform Bill*, Fabian Tract No. 14 (1891); George Bernard Shaw, "Transition," in *Fabian Essays*, *op. cit.*, p. 174; Henry H. Schloesser, *The Twentieth-Century Reform Bill*, Fabian Tract No. 153 (1911); and Sidney Webb, *The Reform of the House of Lords*, Fabian Tract No. 183 (1917). For criticisms of direct election of administrators, the referendum, and PR, see *Report on Fabian Policy*, Fabian Tract No. 70 (1896), pp. 6, 13-14; Clifford D. Sharp, *The Case Against the Referendum*, Fabian Tract No. 155 (1911), *passim*; and Herman Finer, *The Case Against Proportional Representation*, Fabian Tract No. 211 (1924), p. 5.

⁵ *The Necessary Basis of Society*, Fabian Tract No. 159 (1911), p. 6.

⁶ For Fabian descriptions of the operation of industry under a socialist régime, see Annie Besant, "Industry Under Socialism," in *Fabian Essays*, *op. cit.*, pp. 143-151; Emil Davies, *State Purchase of Railways; A Practicable Scheme*, Fabian Tract No. 150 (1910), p. 22; *Public Control of Electric Power and Transit*, Fabian Tract No. 119 (1905), pp. 12-15; Henry S. Schloesser, *The Nationalization of Mines and Minerals Bill*, Fabian Tract No. 171 (1913), *passim*.

lated only in a nation like Britain where the state had long since ceased to be regarded as oppressive—where it was looked upon, not as a device for exploitation and repression, but as a means of progress. In those countries where the state was often repressive, where it earned the deep abhorrence and distrust of the working classes, socialist ideals frequently included elimination of the state. It is no accident that syndicalism had its widest appeal in Italy, Spain, France, and Russia; in these nations there were historical reasons for doubting that “politics” could be anything but evil and the state anything but oppressive. But in England a relatively benign political atmosphere robbed syndicalism of its vigor. To be sure, there had been a critical period of discontent in the 1830’s, colored by the failure of the Reform Bill of 1832 to enfranchise the working class, when syndicalism thrived and working-class leaders condemned parliamentary government and the political state.⁷ This short-lived syndicalist philosophy was perfectly expressed by a pamphleteer of the period:

“We shall have a real House of Commons,” he wrote. “We have never yet had a House of Commons. The only House of Commons is a House of Trades, and that is only just beginning to be formed. We shall have a new set of boroughs when the unions are organized: every trade shall be a borough, and every trade shall have a council of representatives to conduct its affairs. Our present commoners know nothing of the interests of the people, and care not for them. They are all landholders. How can an employer represent a workingman?”⁸

Yet syndicalism soon died out in Britain. The extension of the franchise, the growth and successes of the trade-union movement, and the economic reforms carried through by the maligned parliamentary government largely eliminated the extreme syndicalist ideas of the 1830’s; it became evident that the state *could* be an instrument of freedom and progress. It was in this atmosphere that Fabian socialism appeared with its persuasive message of the benign service state.

Guild Socialism was, in part, a reaction from the Fabians’ faith in the benevolent state. Even Guild Socialism was too much influenced by the climate of British politics to bear much resemblance to the extreme anti-state views of Continental syndicalist movements. Yet it had at its source two seminal ideas that were similar

⁷ Max Beer, *A History of British Socialism*, 2 vols. (London, 1929), Vol. I, p. 320.

⁸ Quoted in Beer, *op. cit.*, p. 339.

to those expressed by the pamphleteer of the thirties. One was a conviction that any transformation in society was inadequate that left the worker with no more *direct* control over production than he had under capitalism. The other was a belief that the workingman's "interests" could not be adequately represented by any but workingman's delegates. Both involved a criticism of Fabianism and an affirmation of the need for some kind of workers' control in industry.

The first premise rested on a conception of the worker as a self-governing craftsman, a view originating partly from a romantic but by no means false conception of the status of the medieval craftsman, and partly from an extension of democratic ideals to the sphere of production. More than a generation before the Guild Socialist movement, William Morris had made a moving plea for socialism as the only possible means by which the workers' economic liberty and pride in craftsmanship could be restored to the high level of the Middle Ages. Guild Socialists were but repeating Morris when they urged that a mere transfer of property titles from the capitalist to the state would not satisfy the aspirations of working people. Socialism would betray its promises should it fail to give the workingman liberty in his daily work; and his liberty depended upon his ability to control his own working conditions. Parliamentary socialism, which would only replace the capitalist with the expert bureaucrat, offered the workingman little hope for genuine freedom.⁹

The second article of faith in the Guild Socialist creed was that of interest-group representation in the control of economic life. "Our present commoners", the syndicalist pamphleteer had written, "know nothing of the interests of the people, and care not for them . . . How can an employer represent a workingman?" Socialists like G.D.H. Cole elaborated this question. While Laski formulated a pluralistic legal theory, Cole expounded pluralism as a basis for a socialist society. In terms of interests, the individual is really several individuals: a worker, a consumer, a citizen. How can one delegate elected on a geographical basis adequately represent these diverse interests? To Guild Socialists it was plain that since each man belongs to several interest-groups, he must have several different representatives, each protecting one of his particular interests. Because Parliament was elected exclusively on a geographi-

⁹ See G. D. H. Cole, *Self-Government in Industry* [1917] (London, 1922), pp. 31-32, 95.

cal basis, it was an inadequate legislative body. And parliamentary socialism, which rested on a traditional concept of geographical representation, could not meet the need for a fuller expression of the individual's manifold interests.¹⁰

Although there was disagreement among Guild Socialists as to the application of the principle, the principle itself was never at issue: the worker in his rôle of producer ought to have some kind of direct control over the productive process. It is not our purpose here to review the various conflicting and changing proposals for achieving this end. It is enough to note the serious difficulty of reconciling self-government in industry with the protection of the consumer and with the need for a separate parliamentary representative of the individual's over-all interests as a citizen.¹¹ Problems of this kind brought Guild Socialists into disagreement with one another and forced a progressive revision of opinion until ultimately the Guild Socialist movement and program ceased to have much significance. Yet Guild Socialism had clearly expressed certain underlying aspirations of the socialist movement, and it provided a legacy of doctrine rich in criticism of all forms of socialism that failed to give the worker a new status in industrial society.

The effect of the Guild Socialists on British socialism is indicated by the change registered in the Webbs. In their *Constitution for the Socialist Commonwealth of Great Britain*, published in 1920, they rejected as impractical the vocational parliament of the Guildsmen. They proposed instead a bicameral legislative organization elected on a geographical basis; one house was to be concerned with historic government functions and the other with economic problems.¹² Yet if the Webbs rejected a parliament of industry, they drastically modified earlier Fabian proposals in order to provide a measure of worker-control in industry.

They proposed that the economy be supervised by the Social Parliament, operating through standing committees. A standing

¹⁰ *Ibid.*, p. 130; and his *Guild Socialism Restated* (London, 1920), p. 33.

¹¹ For various proposals, see A. R. Orage, *National Guilds; An Enquiry into the Wage System and the Way Out* (London, 1914), Chaps. 13, 16; Maurice B. Reckitt and C. E. Bechhofer, *The Meaning of National Guilds* (London, 1920), p. 199; S. G. Hobson, *National Guilds and the State* (London, 1920), pp. 125-126. See especially Cole's introduction to the 1919 edition of *Self-Government in Industry*, where he first recognized the inadequacy of his earlier conception.

¹² The Webbs referred to these as separate parliaments, respectively a Political Parliament and a Social Parliament; in effect, however, final sovereignty lay in a collective meeting of both parliaments. For details, see *A Constitution for the Socialist Commonwealth of Great Britain* (London, 1920), pp. 110 et seq.

committee for each of the main segments of the economy would be linked to its industry through two boards: one primarily to determine what was happening and to relay its information to the committee and the public, the other to undertake the everyday tasks of management and supervision, subject, of course, to the orders of the committee. On the latter boards, the Webbs excluded full-fledged workers' control; but in the selection of the boards they made certain important concessions to the principle of workers' control. Though appointed by the Social Parliament, on the advice of the relevant standing committee, the boards of management were to represent the more obvious interest-groups: one-third were to be selected from among the workers, one-third from the chief administrators, and the remaining third from consumers' groups and the community as a whole. Moreover, the interest-groups themselves were to make the nominations, although the final choice remained with the Social Parliament. In this way the Webbs effected something of a compromise between parliamentary responsibility and workers' control. For basic questions, the Social Parliament, through its standing committees, would have the determining voice in the socialized economy; in the day-to-day problems of management, which after all were in large part the problems in which labor was primarily interested, the workers could look to their representatives for the protection of their interests.¹³ If this proposal envisaged something less than complete workers' control, it certainly provided for a good deal more of it than Fabianism had earlier been prepared to allow.

Yet even these proposals of the Webbs were but momentary deviations in the long-run trend away from syndicalism. The Labor party was to become more Fabian rather than less so; it was moving toward parliamentary socialism, not away from it. Only the powerful pressure of the trade union movement in the party kept the issue of worker-control alive once it had lost its appeal to the intellectuals. Nevertheless, a decade after Guild Socialism had taken its place in the graveyard of political ideas alongside the syndicalist pamphleteer of a century before, certain trade unionists were to win a hollow and meaningless victory over the parliamentary socialists in the Labor party—a victory that only confirmed the complete defeat of the syndicalist ideal.

¹³ See Chap. III for these details.

II. THE CONFLICT IN THE LABOR PARTY: 1932-1935

The British Trades Union Congress assembled at Newcastle-on-Tyne in 1932 in the midst of a world-wide collapse of capitalism; unemployment was almost universal, discontent was rife, reaction and revolution were mobilizing for conflict. To some of those at Newcastle, the expectation of a socialist commonwealth must have appeared less illusory than ever before.

For years the standing orders of the Trades Union Congress had provided that "the General Council shall endeavour to establish . . . public ownership and control of natural resources and of services with proper provision for the adequate participation of the workers in the control and management of public services and industries."¹⁴ This injunction might well have been dismissed as little more than a part of the ritualism customary in the trade union movement, or as a kind of epitaph on the tombstone of the syndicalist dream. At the Newcastle meeting in 1932, the report of the General Council of the Trades Union Congress included recommendations by its Economic Committee on socialization of industry. These recommendations not only urged use of the public corporation rather than the government department in managing socialized industries, but provided further that "in the all-important question of the appointment of the Boards that manage such undertakings . . . the personnel shall be appointed by the Government. While the members may be drawn from different classes of the community (*e.g.*, Labor, Business, Administration, etc.), particular interests should not nominate members but should rather be represented on Advisory or Consultative Boards." Even in the case of these Advisory Boards, the crumbs tossed to the workers were to be shared with consumers and other interests. "Whether these Advisory or Consultative Boards," the report went on, "should be set up in all cases depends upon the nature of the undertaking. In most cases they will probably be necessary to represent the interests of consumers, Trade Unions, etc."¹⁵

This report precipitated a three-year controversy that was necessarily carried into the Labor party itself. The proposal to reduce the rôle of trade unions in socialized industries to a merely ad-

¹⁴ See, *e.g.*, TUC Standing Orders, Appendix B, *64th Annual Report of the Trades Union Congress* (London, 1932), p. 450.

¹⁵ *64th Annual Report* (1932), p. 210.

visory one, shared with other groups, met such strong opposition that the General Council agreed to withdraw the report pending further discussions among constituent unions, and to await the outcome of the Labor party conference a month later. At the ensuing conference, the National Executive submitted proposals for the national planning of transport and electricity supply. Both provided that the governing board should be appointed by the responsible minister on "appropriate grounds of ability"¹⁶—in direct contradiction to the concept of worker participation in the control and management of socialized enterprises. H. E. Clay, of the Transport and General Workers' Union, at that time a stubborn advocate of workers' control, moved an amendment providing for appointment by the minister "only after consultation with the Trade Unions having members employed in the industry."¹⁷ Speaking for the Executive Committee, Herbert Morrison agreed that the report should be taken back, and that in consultation with the Trades Union Congress, an agreement on workers' control would be secured. The Conference agreed to this procedure.¹⁸

The results of the meetings between the Executive Committee of the Labor party and the General Council of the Trades Union Congress were embodied in a memorandum submitted to both annual conferences the following year. The memorandum pointed to the difficulties of workers' control, but ended by agreeing to it in an attenuated form. In the settlement of wages, hours, and working conditions, the principle of negotiation between the socialized "employer" and the trade unions was, together with the right to strike, to be fully maintained. The "day-to-day administration of the concern" was, however, not to be within the control of the trade unions; administration, the memorandum stated, "is quickly becoming a profession, and the persons undertaking this work will have to be trained business administrators." Finally, at the top level, a concession to workers' control was made. "Over and above the day-to-day administration there must necessarily be a Board of Management and Control, and this Board must consist of competent and suitable persons. Organized labor claims for trade unions in the industry *the right to nominate persons for appointment* to such a Board. This claim of organized labor that it shall have its place in the control and direction of publicly-owned industries is accepted. *It is agreed that in order to give effect to this object there*

¹⁶ *Report of the 32nd Annual Conference of the Labour Party* (1932), p. 211.

¹⁷ *Ibid.*, pp. 214, 215.

¹⁸ *Ibid.*, pp. 223-224.

shall be consultation between the responsible Minister and the Trade Unions concerned."¹⁹

The anti-climactical final sentence was far from satisfactory to some of the trade unionists in the TUC and the Labor party. At the 1933 meeting of the TUC, Mr. Charles Dukes, spokesman of the General and Municipal Workers, moved a resolution claiming *as a statutory right* that fifty per cent of the representatives on managerial committees be workers' nominees; though his proposal was defeated, the margin of victory (1.4 million votes to 1 million) indicated strong trade union support for his position.²⁰ A somewhat similar resolution which his union submitted to the ensuing Labor Party Conference omitted any specific percentages, but insisted that the right "to an effective share in the control and direction of socialized industries" should be *acknowledged by law*, and instructed the Executive Committee to prepare plans for socializing industry on the basis of "direct representation through Trade Unions" on the managing boards. This resolution was carried by a small majority.²¹

It now became clear that the TUC and the Labor party had, in effect, adopted differing positions on the subject of workers' control; yet all that apparently distinguished the two positions was the question of whether the right of the workers to be represented should be guaranteed by law. A report on the Socialization of the Iron and Steel Industry, prepared by the Economic Committee and submitted by the General Council to the TUC in 1934, represented a slight change from the TUC-Labor party memorandum of the previous year. The Board of Management was to consist of about ten persons, all appointed by the president of the Board of Trade "on the ground of their competence to conduct the affairs of the industry." For each large division of the industry, a Sectional Board would also be created; the members of this board were likewise to be appointed by the minister. However, "the Trade

¹⁹ *65th Annual Report of the TUC* (1933), p. 210, and *33rd Annual Report of the Labour Party* (1933), p. 14. My italics.

²⁰ *65th Annual Report*, pp. 370-379. Mr. Dukes has since become president of the Trades Union Congress and no longer asserts a claim to direct worker representation. See his illuminating discussion of the new functions of trade unions under a socialist government in the *Annual Report of the 78th Trades Union Congress*, Oct. 21, 1946.

²¹ *33rd Annual Report*, pp. 204-210. My italics. It is worth noting that Ernest Bevin, of the Transport and General Workers Union—the organization which had sponsored the amendment the previous year—now supported the Executive Committee and voted against the resolution (p. 208).

Union should be consulted in regard to appointments on these Boards and on the Central Board of the Corporation." And what was perhaps more significant, there were specific provisions for *nominations* to the sectional boards; in each workshop there was to be a works-council with the right to nominate from among its number some members to serve on the sectional boards.²² These proposals precipitated no extended discussion, but the General Council was instructed to work out again a common agreement with the Labor party on worker control.²³

At the Labor Party Conference a month later, the issue was once more thrust to the front by a new statement of Labor party policy, prepared by the National Executive Committee under the title "For Socialism and Peace," and submitted for discussion purposes to affiliated organizations. The Executive Committee's draft contained a general provision for workers' representation; the report asserted that "The Labour Party . . . believes that the employees in a socialized industry have a right, which should be acknowledged by law, to an effective share in the control and direction of the industry." But the report provided no specific implementation of this principle in its proposals for transport, electricity supply, coal, and iron and steel.²⁴ After a short debate, the Conference decided to leave the matter to a joint committee of the Labor party and the TUC.²⁵ At a subsequent meeting of the TUC Economic Committee and the Policy Committee of the Labor party, it was discovered that the only real point at issue was whether the right of the workers' organizations to be represented on the governing boards should be secured by statute. It was agreed that this right should be provided for by law; accordingly, the final version of "For Socialism and Peace" appeared with the specific provision that the boards of the various nationalized industries "would include representatives of the workers of the industry."²⁶

Thus an end came to the debate, and evidence of concern over workers' control disappeared from the annual meetings of the TUC and the Labor party. In 1935, Clement Attlee wrote that

²² *66th Annual Report of the TUC*, 1934, pp. 203-205.

²³ *Ibid.*, pp. 371-373.

²⁴ *For Socialism and Peace* [preliminary draft, July] (London, 1934), pp. 12-17.

²⁵ *Report of the 34th Annual Conference* (1934), pp. 183-184. See also pp. 201-202.

²⁶ See the statements in *67th Annual Report of the TUC* (1935), p. 211, and *Report of the 35th Annual Conference of the Labour Party* (1935), p. 18. See also *For Socialism and Peace* (December, 1934), pp. 15, 18.

"workers' control is . . . an essential part of the new order."²⁷ The "syndicalists" in the trade union movement had gained their point.

But what, in fact, had they won? The victory for "workers' control" amounted to no more than this: A minister in a socialized industry ought to be required by law to consult with the trade unions in appointing to the boards an unspecified number of members who would, in any case, be responsible only to the minister.

And yet the arguments ranged far beyond the narrow implications of this small proposal. For the most part, they were carried on at that high level of consideration which a discussion of basic policy all too rarely achieves. The debates indicate that the *form* in which workers' control would be expressed was sometimes an astonishingly vague concept in the minds of all those who rose up to attack or defend the *principle*. Fundamentally, it was the principle and not the form that was debated. The arguments reveal with sharp clarity, therefore, the inherent conflict between those to whom socialism is a means of economic planning and those to whom it is a means for reconstructing the position and function of the workingman in industrial society.

III. THE ARGUMENTS

Perhaps the most effective argument put forward against workers' control during the course of the debate was that control of a nationalized industry by its workers would destroy ministerial responsibility and parliamentary supremacy. If the minister could not appoint the board on grounds of ability and make it accountable to him, it was argued, he could not be responsible to Parliament for the efficient operation of the industry. Indeed, the location of responsibility anywhere at all would be very difficult; if an industry were badly run and Parliament wished to put an end to incompetency, it would have no one to blame or remove. Since a part of the board would be accountable, not to the minister but to the trade unions, the minister could scarcely be held responsible for the conduct of an industry over which he had no final control. But since only the trade unions and not Parliament could remove the workers' representatives if they were at fault, Parliament could only fume and wait. The danger would be mitigated if the workers' representatives were a minority on the board, and thus capable of

²⁷ *The Will and the Way to Socialism* (London, 1935), p. 109. See also pp. 67, 71.

being overruled by the minister's appointees; in this case, continued mismanagement could be laid at the door of the responsible minister. But, it was said, if the workers' delegates were a minority, they would be unable to exercise any real control; and within a year, as Herbert Morrison argued, they would be regarded by the rank and file as men who have "gone over to the boss-class and cannot be trusted any more."

It was likewise argued that the most important immediate goal of socialism was success; if socialized industry should prove to be inefficient, socialism would be permanently discredited. Ability, then, and not representation of interests, should be the criterion for appointments. Or, as Cole put it, "We cannot afford to risk failure and confusion by trying to be too 'democratic' at the very start."

It was contended, moreover, that many unions have no real desire for a share in control; if they were to accept partial responsibility for management, they would lose much of their freedom to bargain with management. A trade union cannot serve two masters, and if it is to be interested both in successful management and in the struggle against management for better conditions, it would often be seriously compromised in trying to fulfill both functions. The trade union delegates, it was also argued, would slowly lose contact with the rank and file, and after several years would be more indoctrinated with the duties of management than with the duties of the trade union offensive. G. D. H. Cole, by now apostate to his earlier Guild Socialist convictions, even denied that workers had any real interest in industrial self-government; their real desire was to be relieved as much as possible of any worry about jobs that were, in the last analysis, highly distasteful. They were interested in works councils in their plants and collective bargaining for better conditions, but to expect them to be interested in the general problems of management was hopelessly to idealize the status of the worker in a machine society.

It was also frequently argued that the representation of labor on governing boards would only open the door to the demands of other interests for representation; soon an industry would be run by a haphazard collection of interest-groups, struggling among themselves and bringing chaos into the production process. Even within labor itself, conflict would be intensified rather than diminished, since unavoidably some important trade unions in related industries would be refused representation. All in all, workers'

control would, its opponents felt, bring more new difficulties to industrial management than solutions to old ones.²⁸

On the other side, equally vigorous arguments were presented in behalf of workers' control. Socialism, it was felt, must be more than a change in legal relationships; it must do more than exchange one employer for another; if it were to satisfy deep-growing aspirations for democracy, it must give the worker a measure of control over his economic life. As one trade unionist put it during the Labor party debates in 1933: "The workers are looking for something more from the Labor party than so many shillings extra in the pay envelope on a Saturday. They are looking for an opportunity, through the policies that this party stands for, for an added dignity, for an added status, for an added opportunity of a fuller and broader life." Or, as a trade union leader argued in 1932: "The workers are workers, and [without workers' control] you doom them to remain hewers of wood and drawers of water under the perpetual control of their bosses." Substitution of bureaucratic management for capitalist management would fail, it was said, to provide the economic self-government that is the promise of socialism.

Perhaps the most specifically syndicalist argument was that the Labor party might not always remain in power, and if bureaucratic control over industry were to fall into the hands of an anti-trade union government, untold harm might come to the workers. Partial insurance against this danger should be provided through union representation on the governing boards. And even under a Labor government the tendency of the minister to rely for his appointments on the advice of others, chiefly his civil servants, might well lead to unfair selections. What is more, whether chosen on the basis of interests or not, men on the governing boards would, it was said, unconsciously represent the point of view of the group in which they had obtained their experience; and since in many cases selection solely on the basis of ability would leave the old manage-

²⁸ For these arguments against workers' control, see the *Report of the Thirty-Second Annual Conference of the Labor Party* (1932), pp. 212-214, 221-223; the *Thirty-Third Annual Conference* (1933), p. 208; *Labour Party Policy Report No. 3* (1932), p. 14; Herbert Morrison, *Socialization and Transport* (London, 1933), Chaps. 10-13, esp. pp. 171-173, 191, 225-226; G. D. H. Cole, "Socialist Control of Industry," in *Problems of a Socialist Government* (London, 1933), p. 182; *ibid.*, *The Next Ten Years in British Social and Economic Policy* (London, 1929), Chaps. 7 and 8, esp. pp. 161, 167; and A. L. Rowse, "Industry in the Transition to Socialism," in *Where Stands Socialism Today?* (London, 1933), pp. 122 *et seq.*

ment in office, after returning a socialist government the workers might find themselves fighting against the very viewpoint they had hoped to destroy.

It was not to be assumed, however, that the workers could not produce the ability necessary to run an industry; if efficiency were desired, there was good reason to suppose that the men who had spent most of their lives in the factories would be as able managers as any other ministerial appointees. At any rate, the task of the board would be primarily one of control rather than of management; it would be concerned more with laying down policies than with the details of management, since for the latter task any number of able men could be recruited.

As for the argument that admission of the workers would be a springboard for innumerable other interests, it was held that the interests of an industry's workers were so obviously predominant over those of other groups that further interest-representation could be flatly rejected.²⁹

IV. THE ALTERNATIVES

If these debates proved nothing else, they at least demonstrated beyond doubt the vast fuzzy-mindedness surrounding the form that worker-control was to take. The idea of worker-control has a number of potential meanings, several of which were often fused in the conflict over abstract principle.

In essence, the problem is this: An individual or several individuals must be held finally responsible for the operation of a socialized industry. How shall such persons be appointed, to whom shall they be responsible, and in what way can responsibility be enforced? Obviously, the possible combinations and permutations are many. We shall concern ourselves only with the four most important and most popular alternatives:

(1) *Full workers' control.* The board members (as we shall for convenience call the responsible authorities) are appointed by and are responsible to the workers in the industry. This is a form of "pure" syndicalism. Such a version of worker-control was widely

²⁹ For these arguments in favor of workers' control, see the *Report of the Thirty-Second Annual Conference of the Labour Party* (1932), p. 215, 219; the *Thirty-Third Annual Conference* (1933), pp. 206-207; Trades Union Congress, *64th Annual Report* (1932), p. 380, and *65th Annual Report* (1933), pp. 373, 376; and see Harold Clay, "Workers' Control," in *Problems of a Socialist Government*, *op. cit.*, p. 216; also G. D. H. Cole and W. Mellor, *Workers' Control and Self-Government in Industry* (London, 1933).

attempted in Russian industry during the first months after the Revolution and, by the consensus of Communist and non-Communist critics, resulted in a complete breakdown in production. The economy virtually disintegrated under the shattering effect of undisciplined and unskilled worker supervision, and the absence of any means for coördinating the locally controlled economy.³⁰ Although the Russian experience need not be taken as inherently characteristic of full-fledged workers' control, it emphasizes the difficulties of reconciling planning from above with complete control from below by the workers.

(2) *Interest-group control.* The board represents the "dominant interests" in the community, including the workers. This was the plan of a number of German and Austrian social democrats. Otto Bauer, for example, proposed that socialized industries be governed by tripartite boards representing and chosen by employees, consumer, and the state.³¹ More recently, certain French socialists have revived the idea. M. Jules Moch, representing the Socialist group in the Consultative Assembly, argued in 1944 that socialization implied the creation of autonomous sectors of the economy administered by delegates from workers and employees, and from the technicians, in addition to "representatives of the general interest." Recent French nationalization measures have not, however, included interest-group autonomy of this kind.³²

³⁰ For Lenin's criticisms, see *The Immediate Tasks of the Soviet Government* (March-April, 1918), in *Selected Works* (N. Y., no date), Vol. VII; *Report of the Central Committee at the Eighth Party Congress* (Mar. 18, 1919), *ibid.*, Vol. VIII, pp. 34-37; "Left Wing" Childishness and Petty Bourgeois Mentality, *ibid.*, Vol. VII, pp. 374-375. See also Maurice Dobb, *Russian Economic Development Since the Revolution* (2nd ed., London, 1929), pp. 44-46.

³¹ *Der Weg Zum Sozialismus* (Vienna, 1921), pp. 10-11. See also Karl Kautsky, *The Labour Revolution* (New York, 1925), pp. 203-204. See the suggestive proposals for applying interest-group representation to capitalist industry in Otto Neurath, *Wesen und Weg Zur Sozialialisierung* (Munich, 1919), and Heinrich Strobel, *Socialisation in Theory and Practice* (London, 1922), Chap. 6. For recent Austrian proposals, see *New York Times*, Dec. 8, 1946, sec. I, 35: 3.

³² See *Les Nationalisations en France*, Notes Documentaires et Études, No. 182, Série Française XLVI, Ministère de l'Information, Nov. 17, 1945, p. 29, for M. Moch's remarks. "Je le dis tout net," he said. "Pour nous, les socialisations comportent la disparition de la propriété privée, mais aussi l'absence de toute participation du capital privé à la gestion de l'entreprise, l'administration générale des secteurs ainsi rendus autonomes par des délégués des ouvriers et des employés d'une part, des techniciens de l'autre, des représentants de l'intérêt général enfin, à l'exclusion de tous autres, . . ." See the Socialist proposals for the coal industry, p. 30. A central council for coal with a complex representation of the general interest, the management, and the workers, would be collectively responsible to the government;

This proposal raises the essential problem of full workers' control: how to reconcile planning with a measure of industrial autonomy. An additional difficulty stems from the potential conflict among the various interest groups represented on the boards of management and the threat of resulting stalemate.³³

(3) *Labor representation.* Members of the board are nominated by the workers (or by the trade unions), but the government selects the appointees from among these nominees; board members are responsible to the government and not to the trade unions. It was, presumably, to this position that the Labor party committed itself in 1935. But what does this kind of representation mean in practice?

(a) Are the labor nominees to constitute the entire board, or only a part of it? If the latter, what part? In the Labor party, it was clearly assumed that worker representatives would not constitute the whole of the board, but only some unspecified part of it; presumably the size of that part was to be left to ministerial discretion.

(b) Are the appointees from among the workers in some sense to represent *the interests of labor*, or rather are they to represent the interests of the community as a whole? Are they, that is to say, to regard themselves as spokesmen for the employees and laborers in the industry wherever the interests of those groups are concerned? Or are they, like the other members, to dissociate themselves from their trade union background and consider the interests of the entire community? It is not possible to say from the TUC and Labor party debates, or from their decisions, what was intended on this point.

(c) Are the workers to be represented at all levels of management, at the top level only, at the regional or divisional levels only, or, still again, at the shop and factory level only? This question the Labor party likewise left largely unanswered. One may infer from certain of the specific socialization proposals and the 1933 TUC-Labor party agreement that representation was to exist at the level of the board and the sectional boards; but control at the workshop, mine, or factory was to be in the hands of professional managers responsible only to their superiors.

(d) To whom is the board responsible? In general, the alternatives are

in case of conflict, the minister could appoint a new council and even, with the consent of Parliament, suppress it altogether. Compare this with the system of appointive managers and consultative councils actually provided in the nationalization laws, pp. 9-14.

³³ See the comments of Marshall Dimock on German "mixed enterprises," where both government and private owners were represented on boards of management, in "Public Corporations and Business Enterprise," *Public Administration*, Vol. 14, p. 424 (1936).

two: responsibility directly to the legislative body, or responsibility to a minister who in turn is held responsible by the legislature. In keeping with the doctrine of cabinet responsibility, the latter alternative was unequivocally adopted by the Labor party.

(4) *No representation of interests.* The members of the board are appointed exclusively on the basis of ability and competence, represent no interests, and are responsible solely to the government (or minister). This solution does not preclude the use of advisory boards representing various interest-groups, including the workers, nor the maintenance and extension of trade-union functions. This latter course was the one actually adopted by the Labor government when it came into power.

V. THE LABOR PARTY IN POWER

From 1935 to 1943, the principle of workers' representation was largely accepted within the Labor party. Nationalization proposals by the party and by men like G. D. H. Cole included provisions for the representation of workers on the boards of management—without, however, clarifying the questions surrounding their status that have been pointed out above. Herbert Morrison, to be sure, maintained his unswerving opposition to the principle: even his proposals for transport, embodied in an official Labor party pamphlet in 1937, made no specific allowance for labor representation on the National Transport Board.²⁴ In the Labor party, Morrison is the kind of exception that becomes the rule.

The first important break in official policy did not occur until 1944, when the General Council of the TUC issued an *Interim Report on Post-War Reconstruction*, a document representing the joint efforts of the Labor party executive and the Economic Committee of the TUC.²⁵ This report is a highly significant contribution to the development of British socialist ideas; and its clarification of the suggested status of workers in socialized industries is a monument to the victory of Fabianism over syndicalism.

The report is too lengthy for adequate summary here. Briefly, it proposed worker participation in the regulation of *private* industry and opposed it for *public* industry. At the workshop level in socialized industries, normal trade union functions, including the negoti-

²⁴ *British Transport at Britain's Service* (London, 1938), pp. 9-10.

²⁵ For the full report, see the *76th Annual Report of the Trades Union Congress* (London, 1944), Appendix D, p. 393 et seq.

ation of wages and working conditions, were to be preserved; in addition, works councils, representing both "management" and labor, were to be established "for regular consultation on all internal matters not coming within the scope of the ordinary negotiating machinery."³⁸ The responsibility of actual management was, however, to rest with full-time professional administrators personally accountable to their superiors and selected solely on the basis of technical and administrative competence. At the highest level, members of the board of management for the nationalized industry were to be selected solely on the basis of "their competence efficiently to administer the industry," and this board would be accountable to the public through a minister responsible to Parliament. Representation of workers was thus clearly rejected. The report added, however, that "experience gained in the collective organization of labor is a strong qualification" for membership on the board because of the managerial competence it engendered; "in the interest of the efficiency of the industry itself, therefore . . . it appears important to secure that there shall be on the governing body people who, though in no way accountable to any other interest than the public for their decisions, shall ensure that the views of the industry's workers on its management receive full consideration." The selection of such members, the report suggested, might best be secured if the TUC, after consulting with the appropriate unions, were to present a list of candidates from whom the minister could select a number of the board members. Any such appointees "should surrender any position held in, or any formal responsibility to, the Trade Union." The report did not urge that such appointments be required by law.

Since the reasons for rejecting workers' control or workers' representation doubtless constitute the mature opinion of the British trade union and socialist movement, they are worth summarizing here: (1) The trade unions must maintain their complete independence to perform their basic function of representing the workers' interests. This independence would be compromised if their representatives were on the board of control. (2) "Members of the governing body cannot at the same time answer to the workers of an industry as their representatives and bear responsibility to the minister for its administration. To attempt to lay such a double duty on them may well result in making the governing body in a

³⁸ P. 412.

sense a negotiating committee, in which the workers' representative will be in an ambiguous position." (3) Parliament, representing the community in general, must have ultimate control over policy, secured through a responsible minister and a board accountable to the minister.³⁷ At the 1944 Trades Union Congress at Blackpool, the *Interim Report on Post-War Reconstruction* was adopted with virtually no debate.³⁸

The significance of this shift in socialist policy was somewhat obscured at the Labor party conference a few months later by adoption of a resolution containing the customary ritualistic phraseology on representation of the workers in socialized industries.³⁹ In April, 1945, however, the National Executive Committee of the party drafted a declaration of policy for the coming general election that spoke in general terms and contained no mention of worker control.⁴⁰ At the Labor Party Conference in May, a resolution was proposed demanding the "democratic control and operation of nationalized institutions by the workers and technicians." Mr. Emanuel Shinwell, speaking for the National Executive, replied: "The Mine-workers' Union, ourselves, and the TUC are now engaged on a meticulous and practical examination of the whole subject of nationally owned industrial administration. We want to present the first Labor Minister of Fuel and Power with a practical scheme that he can carry out. In considering this matter, we have had to deal with the workers' right to participate in industry. Of course, workers have a right to participate in industry. So have technicians. But as to the form of participation, that is a matter that has to be worked out." On these assurances, the resolution was withdrawn.⁴¹

What, then, was the form of participation that developed after Labor's victory in the general election? It was perhaps too much to expect that the bill for nationalizing the Bank of England should provide for employee representation, and it did not.⁴² Nationalization of the coal industry was quite another thing, for here the con-

³⁷ For these points, see paragraphs 99-101, p. 411.

³⁸ See the discussion, pp. 289-303.

³⁹ *Forty-Third Annual Conference of the Labour Party* (London, 1944), pp. 163, 168. See also the party's nationalization proposals in *Coal and Power* (London, 1944), and in *The Post-War Organisation of British Transport* (London, 1944).

⁴⁰ *Let Us Face the Future* (London, 1945).

⁴¹ *Report of the Forty-Fourth Annual Conference*, pp. 134-138.

⁴² See Clause 2 [2] and the Second Schedule (Supplemental Provisions as to Court of Directors), Bank of England Bill, 9 and 10 Geo. 6.

cept of "the mines for the miners" had been strong, and as a result the promise of a complete reconstruction of the coal-miner's life had long been a basic part of the Labor party program. But in the quarter-century since Guild Socialism had reached its peak, a full cycle had been run. And when the Labor Minister for Fuel and Power, Mr. Shinwell, rose in the House of Commons on January 29, 1946, to move the second reading of the Coal Industry Nationalization Bill, he was to pay his last respects to the memory of workers' control.

The bill provided that "the Chairman and other members of the Board [i.e., the National Coal Board] shall be appointed by the Minister of Fuel and Power from among persons appearing to him to be qualified as having had experience of, and having shown capacity in, industrial, commercial or financial matters, applied science, administration, or the organisation of workers" (Clause 2 [3]). The bill also imposed on the Board the duty of consulting with the trade unions to establish machinery for settlement of labor disputes and consultation on "questions relating to the safety, health, or welfare" of employees and "other matters of mutual interest" (Clause 42). No provision was made for worker representation on the National Coal Board; or for consultation by the minister with the trade unions in selecting representatives on the board.

"I have not provided in the Bill," Mr. Shinwell said, "for statutory consultations with the workers employed in the industry. Such consultation is certain, and statutory provision is superfluous. It would, indeed, have been extremely difficult to provide for statutory consultation with all the different bodies who represent the workers in the varied and far-reaching activities which would be carried out by the Board. But consultation with the workmen's representatives is inevitable, if the Board is to achieve that degree of coöperation which is essential for its success. The Board must provide for the continuance and stability of pit production committees, and for consultation on all those matters which concern the personnel of the industry, for example, where concentration is necessary, or in the case of transfer and resettlement of mine-workers. So long as human nature remains what it is, there will always be the possibility of disputes, but we shall seek the fullest coöperation in order to produce a more amiable spirit so that the existing conciliation machinery will be effective."

"I envisage," he said later, "a form of regional organisation somewhat on the lines of the National Coal Board itself. This would mean that those responsible for supervising the regions must possess qualifications similar

to those of the members of the National Coal Board, that is to say, administrative, technical, financial, commercial, and a knowledge of the organisation of workers. It is also obvious that success cannot be achieved unless the knowledge possessed by the workers and the technicians is fully utilised at every stage in the pits, the groups, and the regions."⁴³

Subsequently the government appointed to the eight-man National Coal Board Sir Walter Citrine, general secretary of the TUC, and Mr. Ebby Edwards, general secretary of the National Mineworkers.⁴⁴ Clearly, Sir Walter and Mr. Edwards, given their backgrounds and loyalties, may be expected to emphasize the interests of the industry's workers; but they are no more to be regarded as *representative* of the workers than Lord Hyndley, the chairman, may be considered a representative of industry.

At the Labor Party Conference in June, 1946, a resolution was proposed urging that in nationalized industries, "direction shall not be left with those who were previously in control;" it demanded that the structure of nationalized industries be reorganized to provide full opportunity for promotion and technical education, high standards of working conditions, and the extensive use of workers' advisory committees. It concluded with the injunction that "economic democracy be put into practice in nationalised industries in all other ways."⁴⁵ The resolution was accepted by Mr. Shinwell with a statement of "the principles which must guide us in the task of administering the schemes of nationalisation." "The first," he said, "is that we must employ the best men for the job. . . . The second is that those whom we seek to employ in the task of administering nationalisation schemes must, whatever their general political color, accept implicitly the policy which they are to apply. The third is that on all matters of mutual interest the workers' organisations must be consulted."⁴⁶ There was no contention on either side that "economic democracy" included workers' control or representation. The resolution was carried.

The provisions for the British Transport Commission in the more recent bill for nationalization of inland transport, laid before the House of Commons on November 27, follow closely those outlined

⁴³ 418 *Official Report* (Hansard), 712, 714 (Jan. 29, 1946).

⁴⁴ *Labour and Industry in Britain*, Vol. IV, No. 4 (Apr., 1946), p. 56.

⁴⁵ *Report of the Forty-Fifth Annual Conference* (1946), p. 144.

⁴⁶ *Ibid.*, pp. 145-146. For a more recent explicit rejection of workers' control, see report of the speech by Sir Stafford Cripps in *New York Times*, Oct. 28, 1946, 2: 6.

in the earlier mines measure.⁴⁷ The pattern of control in nationalized industries has been established. It is unlikely, except in a few special cases, that there will be much deviation from it.

VI. CONCLUSION

In the debate over the National Health Insurance Bill, Mr. Aneurin Bevan, the Minister of Health, summed up a generation of development in socialist thought when he said:

"I have never believed that the demands of a democracy are necessarily satisfied merely by the opportunity of putting a cross against someone's name every four or five years. I believe that democracy exists in the active participation in administration and policy. Therefore, I believe that it is a wise thing to give the doctors full participation in the administration of their own profession. *They must, of course, necessarily be subordinated to secular control—we do not want the opposite danger of syndicates. Therefore, the communal interests must always be safeguarded in administration.*"⁴⁸

Socialist thought, we said at the beginning of this essay, has contained two potentially contradictory concepts of the means for controlling economic enterprises in a socialist economy. The Labor party has been unable to resolve this contradiction, despite its lengthy attempt to do so. The Labor government has, therefore chosen to centralize responsibility for the making of economic policy in the cabinet rather than to decentralize this responsibility to workers' representatives. What is the significance of this choice?

1. Narrowly interpreted, the Labor government's choice represents a further triumph for the traditional political institutions of British parliamentary democracy. The supremacy of Parliament remains intact; that ancient legislature does not share its ultimate control over economic policy with other public or private institutions. The doctrine of ministerial responsibility remains unimpaired; the minister has the penultimate responsibility for the operation of a socialized industry. He is accountable to his fellow

⁴⁷ See the Transport Bill, 10 Geo. 6 (Bill 12), esp. paragraphs 1, 4, and 99. And see the debates in 431 House of Commons Official Report (Hansard), nos. 25, 26, 27 (Dec. 16-18, 1946).

⁴⁸ 422 Official Reports (Hansard), 51 (Apr. 30, 1946). My italics. It is worth noting that under the National Health Service Bill which Mr. Bevan was presenting for the Labor government, dentists, doctors, and chemists would have half the representatives on the local health executive. This local board would be under the supervision of regional boards chosen by the minister and not representative of any interests. Introduction of interest-group representation at the local level in the health plan is undoubtedly a special case, resulting from the peculiar problem of securing intelligent supervision of the medical profession. It does not imply the acceptance of the idea of workers' control or worker representation in general.

ministers and to Parliament for his conduct. As Mr. Shinwell said during the debates over coal nationalization:

"The Minister is empowered by the Bill to give to the Board directions of a general character in relation to matters which appear to him to affect the national interest. This is essential because the Minister is answerable to Parliament and, therefore, to the public, and while not interfering in the everyday administration of the industry, he must satisfy himself that their policy conforms to general government policy for which Parliament may hold him responsible. The criticism that the powers conferred on the Minister are excessive will not stand scrutiny. No Minister could come before Parliament in these days, and for this particular industry, and propose that a board should be set up to run the industry free of all responsibility to Parliament, or to the Government, who are heavily involved financially."⁴⁹

2. In a broader sense, the Labor government's position represents a victory of community over interest group. Parliament is the sole national majoritarian institution in Britain. It is the only institution capable of speaking for the majority of the community rather than for some segment of it. In fixing policy for nationalized industries, the boards of control and the minister must consider the interests of the entire community, at least as these interests are reflected in the politics of majoritarian democracy. Whatever may be the outcome of the inevitable imperfections of representative government, in its legal and constitutional arrangements the Labor government has attempted to secure the supremacy of the community over any special segment of the community.

3. The Labor government's choice is an inevitable result of a changing emphasis in British socialism. The major goal of the Labor party, it is possible to suggest, is not socialism in the traditional sense, but a planned economy. Socialism is a technique for planning, not an end in itself.

"Nationalisation, socialisation, public ownership, are not ends in themselves," Herbert Morrison remarked during the course of the debate over the coal mines; "and the Socialist who imagines that is all that he has got to think about would not need to have a big brain to think about that . . . As I have said, socialisation is not an end in itself. The object is to make possible organisation of a more efficient industry, rendering more public service, and because of its efficiency and increased productivity enabled to do progressively better for its workers."⁵⁰

⁴⁹ 418 *Official Report* (Hansard) 707 (Jan. 29, 1946).

⁵⁰ 418 *Official Report* (Hansard) 969 (Jan. 30, 1946).

In an interdependent economy and a highly integrated society, economic autonomy, such as that envisaged in workers' control and similar plans for industrial self-government, may imperil the over-all plan. No government committed to a planned economy is likely, therefore, to concede economic autonomy in strategic sectors of the economic system. Industrialization has brought interdependence; interdependence has created a world-wide secular trend away from economic autonomy within the boundaries of the nation-state. Guild Socialism was a revolt and a protest against this development; in this sense, it was technologically an obsolete doctrine at the time of its formulation. Fabian doctrine rested on the assumption of interdependence. It was perhaps inevitable, then, that the Fabian view should prevail over the Guild view in the Labor party.

4. The choice of the Labor party leaves unsolved a major problem of the industrial age: the status of the worker. Is the psychological nexus between the industrial worker and his production, broken by modern industrialism, to remain forever shattered? Is there no way of providing the workingman with new status, new dignity, and what is perhaps most crucial, new responsibility, without destroying the ultimate supremacy of community needs? Socialists have generally implied that the subordinate rôle of the worker in the industrial process is inherent in capitalism. Actually, as the actions of the Labor government demonstrate, the subordinate status of the worker is not a product of any particular form of industrial ownership; the worker's status is inherent in industrial technology and an interdependent economy. If its economic goals are attained, a planned economy may increase the worker's well-being, but a planned economy cannot change his status in the industrial process. Planned socialism may increase the worker's income, his security, his opportunities for education and promotion. But no more than capitalism is it likely to change in any fundamental sense the rôle of the worker in the industrial process. Will the worker ultimately become as discontented with his status under socialism as he is under capitalism? Or will socialism provide him sufficient economic satisfactions to make his status acceptable? Or will British socialists develop methods, such as the widespread use of consultative devices, that will integrate the workingman psychologically into the productive process without weakening the ultimate control of the community over economic policy? On the answers to these questions, it is no exaggeration to say, the prospects of social peace in Western Europe may well depend.

BRITAIN BEGINS TO REBUILD HER CITIES

COLEMAN WOODBURY

University of Wisconsin

During the past few months, many Americans have been preparing verbally to bury Great Britain and her Empire. They seem to consider this the prerogative, if not the duty, of relatives of one who has long fought off various economic and social ills and more recently has suffered a series of bad setbacks.

Without doubt, Britain's economic position is serious. A vigorous, diversified, international trade is essential to maintaining or increasing her prewar standard of living. Before the war, she paid for roughly sixty per cent of her imports by tangible exports of goods and materials of various kinds. The other forty per cent was taken care of by returns on her foreign investments and by shipping, financial, insurance, and other services. The war and its aftermath have cut down alarmingly her foreign exchange from these latter sources and, at the same time, have added to her overseas expenditures to meet financial charges on her war borrowings, to maintain troops, and to meet her share of occupation and rehabilitation costs in other countries.¹

In short, Britain can maintain the standard of living of most of her population only by increasing her exports substantially above prewar levels. As the sign-boards say: "To fill the shops, we must fill the ships." And this must be done against the handicaps of war losses and damage, labor shortages, loss of many prewar markets, widespread fatigue, a limited diet, and last but not least, obsolete equipment in such basic industries as coal and textiles.

Thoughtful Britons of all parties and shades of opinion realize the grimness of the outlook. Very few of them, however, seem to have had the naive belief that when the shooting was over in the greatest war in history, the domestic economy would soon take up about where it left off except that it would get a strong stimulus from accumulated wartime needs and savings.

Possibly because they had no such illusions, they are now less despondent than many Americans think they should be. Also, the war strengthened their economy in some ways that are not so

¹ See two White Papers: (a) *Statistical Material Presented During the Washington Negotiations* (Cmd. 6707—Dec. 1945—including Appendix VII); (b) *Economic Survey for 1947* (Cmd. 7046—Feb., 1947).

easily seen at a distance. It gave them confidence in their collective strength and intelligence. It made them realize that many of the evils of their prewar system—including the backwardness of their coal industry and the ugly, uneconomic, unhealthful blight in their cities—could be swept away if they set themselves to the job. It stirred them to making plans to accomplish these ends. It gave them courage to start action in accord with these plans as soon as the demands of war allowed.

Last fall and early winter, I spent about seven weeks in England studying at first hand the British program for rebuilding cities and rehousing a large proportion of the urban population. Possibly some part of what I learned then will throw some new light on the general economic and social scene. Besides, we face rather similar problems in housing and city planning. If we will, we can learn from the British experience. Of course this is not to say that we can or should take over the British program as it is. This article can present only an over-all survey; possibly others can add detail and insight as the program goes ahead.

II

The first essential to a fair appraisal of postwar city rebuilding in Britain is to get in proper perspective the extent of bomb damage in her cities. Probably most Americans believe that the German air force presented the British with vast cleared-out areas ready for wholesale rebuilding. Fortunately or unfortunately, this is not so. Official estimates put the number of houses totally destroyed at about 200,000, with a somewhat higher number made entirely unlivable and often unrepairable—say, in round numbers, a total of 500,000 houses.² This is about four per cent of Britain's housing supply and a little more than five per cent of her urban houses. (Of course, several times this number were damaged in some way or other—no one knows exactly how many. The larger figures, however, include houses with windows blown out or roof tiles blown off by bomb blast.)

This loss of 500,000 houses is by no means a negligible item in the current shortage. Compared with annual house production, it is sizeable; before the war, British builders and local authorities were putting up about 300,000 to 350,000 houses a year. But the point is that the amount of war destruction did not force Britain

² White Paper on *Housing* (Cmd. 6609—Mar., 1945).

into her present frontal attack on urban shortages, crowding, and squalor. She could just as well have limited herself to replacing what was destroyed—on the same sites and at about the same standards. As a matter of fact, that is what the French did after the war of 1914–18.

III

We shall return to this question later. The first queries from most Americans about any housing program these days are bound to be: How is production going? How many houses are being built? How about the supply of building materials?

Here the British record was good and getting better month by month. The December *Housing Return for England and Wales*,³ showed that since April 1, 1945, more than 275,000 family units had been provided in new construction, conversions, and repair of dwellings so severely damaged as to be unoccupied. And these figures are for completions—not starts. To put these figures in our scale, they should be multiplied by 3.2 to allow for the difference in the populations of the two countries. Besides, roughly 25,000 unoccupied houses had been requisitioned and about 12,000 makeshift units had been provided in service camps and huts. Thus the total of houses provided since the war was about 315,000.

We have no directly comparable figure because more than 105,000 of these dwellings came from repairs to war-damaged buildings. Let me emphasize, however, that these buildings were so badly damaged that they were unoccupied. In Britain today, that means they were in really bad shape. Consequently, work on them has taken a great deal of material and manpower that otherwise could have gone into new construction. Besides these major repair and rebuilding jobs, the official estimate is that during the same period 673,000 damaged but still lived-in houses were repaired.⁴

But to give a very rough comparison, between April, 1945, and the end of 1946 the British built or substantially remade 275,000 houses. For a country the size of ours, a comparable figure would

³ *Housing Return for England and Wales, 31st December, 1946*. (Cmd. 7019—Jan., 1947).

⁴ In judging the recovery in British building, it should not be overlooked that as late as the end of 1946 approximately fifty-seven per cent of those employed in housing were estimated officially to be working on repairs—war damage and other. (*Return, 31st December, 1946*, Cmd. 7019, p. 27).

be almost 900,000 units. Although our figures on the houses actually completed are very weak, our best estimate for the same period is about 700,000, including 82,000 temporary war-houses moved to new locations.⁵ In short, to the end of last year Britain had beaten us by twenty-five to thirty per cent in volume of houses produced in the postwar period. And, as we shall see, the British started from scratch; we, from a modest rate of wartime house-building. Besides, we did not have nearly as heavy a drain for necessary minor repairs.

IV

And, believe it or not, about eighty per cent of the houses being produced in Britain are for rent.⁶ As a result of government aid, the rentals are low: they match current rents of existing properties, under rent control, in near-by districts. Nearly all of these districts are lived in by workingmen, including the lower paid white-collar workers.

Most building material shortages have been beaten or are down for the final count. Only lumber still gives cause for serious concern. Nearly all of it is imported—much of it from Scandinavia. In effect, it is traded for coal, and low coal production in Britain has reduced the lumber supply available for housing. With this one exception, which is less important in Britain than it would be here, delays due to slow deliveries of material early last winter became fewer week by week.

Non-residential construction, although sorely needed in many places, has been kept at a reasonable level for a war-damaged country and has presented no serious threat to the housing program. The non-residential building that is going ahead is nearly all in badly needed commercial, industrial, or community facility projects. The lid has been kept on the promoters of race-tracks and similar undeniably profitable but clearly postponable enterprises. Before the war, about sixty per cent of building workers were employed in non-residential construction; last winter, the figure was about thirty-five per cent.⁷

Temporary housing construction, most of it prefabricated, and wholesale conversions have had their day in court as possible

⁵ For 1946 figures, see *Veterans Emergency Housing Program*, Vol. 1, No. 8 (Jan., 1947), p. 5.

⁶ For discussion of this, see *Parliamentary Debates—House of Commons* (Hansard), Oct. 21, 1946—particularly pp. 1334-1355.

⁷ *Ibid.*, p. 1376, and Dec., 1946, *Housing Return* (Cmd. 7019), p. 27.

major remedies and have been found wanting. Although they continue to supply needed space, the push now is for sound, permanent housing with higher standards of space, equipment, and convenience than were provided in similar dwellings before the war.

And this progress has been made in rather more than a year from practically a standing start. Except for emergency repairs and a scattering of dormitory building for war-workers, the volume of housing construction in Britain from the beginning of the war in 1939 until 1946 was negligible. The official estimate of the number of houses completed from September 1, 1939, to the end of the war is 200,000, most of which were under construction when the war broke out. Counting these, the yearly average is less than 35,000 units. For comparison, before the war approximately 300,000 to 350,000 houses were built per year.⁸ When the war ended, British builders, suppliers, and local authorities did not have the half-speed momentum that their American counterparts enjoyed from the National Housing Agency's wartime program that kept the volume of construction, even at its lowest in 1944, approximately twice the low reached during the depression of the early thirties. We started 225,000 houses in 1945—only 50,000 less than the average for the thirties.

V

Even that harassed and often frustrated American, the city planner or planning official, could see much in Britain last winter that would make him rub his eyes and shake his head in wonder. Starting in the middle of the war, practically all of the major cities, as well as many of the metropolitan areas and medium-sized towns, have undertaken thorough economic, populational, and physical studies that are now flowering into comprehensive plans for rebuilding. Most of them can safely be rated as competent; some are truly exciting documents in the hope they hold for a more sensible, pleasant, and humane setting for urban life.

And these are not merely pretty paper plans. From an act of Parliament passed while the war was still on,⁹ local governments have powers to acquire wholesale "areas of extensive war damage" and outlying areas needed to rehouse people from badly damaged districts. Their powers allow them to take over these areas at 1939 prices and thus protect the public treasury from the machinations

⁸ *Housing* (Cmd. 6609—Mar., 1945), p. 2.

⁹ *Town and Country Planning Act, 1944* (7 and 8, Geo. 6, Ch. 47, Nov. 17, 1944).

of the land speculator. Under the 1944 act, the price for owner-occupied properties was the 1939 price plus thirty per cent. This extra percentage has since been doubled, so that the displaced owner is not in too bad a position if he goes into the market for another house.¹⁰ The central government gives some financial assistance to local authorities in acquiring this kind of land. When so acquired, it may be built on by the local authorities or sold or leased for private development, housing or other, that is in accord with the town plan. The local authorities also may prohibit development during the planning process that seems likely to conflict with the final plans or to make them more difficult to carry out.

These plans are not the playthings of the experts and the research workers. The man on the street knows at least something about them. They are clearly important matters in the lives of government officials from the local health officer to members of Parliament, including the ministers of His Majesty's government. They are talked about in many private organizations from labor unions to property-owner associations. Although some British leaders see the need for even more widespread understanding and support and decry their decline since the fighting stopped, the present popular interest seems remarkable to an American observer. Exhibits of planning charts, studies, and recommendations attract thousands in the larger cities. Documentary films, one at least that runs for more than an hour, are shown in commercial movie houses. Stories about public hearings on town plans or on the acquisition of land for larger projects are front page news in both the London and provincial papers.

VI

Almost without exception, the big city plans call for substantial thinning out of population in the central areas.¹¹ This means, of course, more open space—parks, playgrounds, school yards—more light and air around dwellings, less congestion of living quarters and local traffic. It also creates the problem of what the British call the overspill—the surplus families that will not be rehoused in these rebuilt central districts. In several large cities, this overspill amounts to about one-fourth of the population in the central built-up areas.

¹⁰ Henry W. Wells, *Implementing the Plans—Great Britain* (XVIIIth International Congress for Housing and Town Planning, 1946), p. 4.

¹¹ See, for example, Forshaw and Abercrombie, *County of London Plan* (Macmillan Co., 1943); Abercrombie, *Greater London Plan, 1944* (His Majesty's Stationery Office, 1945); Nicholas, *City of Manchester Plan* (Jarrold and Sons, 1945).

Where are these families to go? What provision is to be made for them?

In many cities they will be taken care of in new developments at the edges of the municipality. In smaller cities and some of the larger ones, this is an obvious and unobjectionable answer. The thinning out will go on over a period of years; the new building and the necessary transit, school, and other facilities should be able to keep pace without too much trouble. This process, however, raises one major problem when, as so often happens, the overspill will have to be rehoused outside the boundaries of the central city. In these circumstances, as many officials and civic leaders of the larger towns point out in no uncertain terms, the major city has to supply employment, transportation, and many other services for these non-residents while it has to get along without their local tax payments (rates). What can be done about this? Many American city officials would like to know the answer to that one.

The present British answer is to provide means for speeding up the process of adjusting municipal boundaries more nearly to present and prospective population distribution and to the economic realities that it produces. The Churchill government obtained the necessary legislation¹² and Labor appointed the first Local Government Boundary Commission. On its own initiative or upon petition, this agency may hold hearings, make investigations and finally recommendations for moving municipal boundaries or consolidating local-government units. It is charged with considering first those areas where war damage and plans to meet the needs of its victims call for prompt attention. Its recommendations go to the Minister of Health. If and when approved by him, they are laid before Parliament, and when approved there they become effective. The Commission's work, of course, deals with many considerations besides those due to newly adopted town plans and proposed housing development, but these lie at the center of its program.¹³

But rehousing on the outskirts, with or without boundary changes, does not seem to be the right plan for taking care of all the overspill in London and some of the largest provincial cities.

¹² *Local Government (Boundary Commission) Act, 1945* (8 and 9, Geo. 6, Ch. 38).

¹³ Statutory Rules and Orders, 1945, No. 1569—*Local Government, England and Wales—Alteration of Areas; Report of the Local Government Boundary Commission for the Year 1946* (His Majesty's Stationery Office). For a critical view of the Commission's powers and methods, see William A. Robson, "Local Government Reform," *The Sunday Times*, Aug. 25, 1946.

London is the best example of the inadequacies of this procedure. In the years just before the war, London grew enormously and mostly by the old method of simple accretion. New residential districts, the product of private builders and local authorities, pushed farther and farther into the countryside. The problems of many urban services, particularly transit and transportation, became almost unsolvable. The British have a name for this unplanned expansion and the problems it produces—the suburban sprawl. Many town-planners and officials have suggested that unless something were done to stop this trend and to remedy some of its by-products, London would suffer seriously from its own growth. Before the war it had shown signs of choking on its own transport and utility troubles. Besides, the suburban sprawl seldom produced really attractive neighborhoods or towns that encouraged a normal community life.

Largely from these facts comes the most drastic and ambitious part of the present town-planning-housing activity in Britain—the New Towns program. An act of Parliament authorizes the Minister of Town and Country Planning to establish government corporations with powers to acquire land for town sites, to lay it out for development, to build housing and other improvements, to lease land for private development, to provide utility and other services, and to transfer them to local authorities.¹⁴ In brief, this is the machinery for a start on the plan for twenty new towns—ten around London and the rest outside the larger provincial centers. They will be cities of about 50,000–60,000—not suburban dormitory developments, but for ordinary, day-to-day purposes self-sufficient communities with industries, retail districts, schools, churches, public services, etc. They will be separated from London proper by a greenbelt. They will be close enough, however, for their residents to go in without any trouble when they wish to see a play or to visit a medical specialist. Their industries will also have the advantage of nearness to the great London market. Every effort will be made to attract to each new town a population with wide ranges of income and background.

This clearly is the kind of program that American planners have often heard talked about eloquently but have never expected to see actually tried out. However, it is going ahead today in Britain.

¹⁴ *New Towns Act* (9 and 10 Geo. 6. Ch. 68—1st August, 1946). See also *Final Report of the New Towns Committee* (Cmd. 6876—July, 1946), *Interim Report* (Cmd. 6759—Mar. 1946), and *Second Interim Report* (Cmd. 6794—Apr., 1946).

By the end of 1946, four new towns were under way—all for the London area. The board of the corporation or an advisory committee to the Minister had been appointed for each. Hearings on the site acquisition for one town had been completed;¹⁵ they were under way on the second.

VII

Also remarkable to an American is the almost total absence in Britain of breast-beating about the housing problems of veterans. Their needs are frankly recognized and often mentioned, but no one, not even the veteran himself, is scrambling about to throw together some special set of tricks to take care of them, even at the expense of other equally needy civilians and their families. Why this difference between the United States and Britain? Partly, no doubt, it is due to the fact that Britain was under attack—some areas, like London, during most of the war. Every citizen is a veteran in one sense, and it becomes easier, therefore, to treat every veteran as a citizen.

Also, the British government and British cities have started a planning and rebuilding program aimed at improving the housing and the urban environment of a very large proportion of their populations. Very few even of its critics would deny that it is well-intentioned—that it has been designed to serve the public interest. Probably no informed person believes that it has been influenced, let alone determined, by the counterparts of our “me-first boys”—those Washington lobbyists who so easily confuse the public interest with quick and easy profits for a few thousand persons in a particular business or occupation.

In these circumstances, the British veteran holds his peace. He sees all around him evidence that the folks at home had a rough

¹⁵ An interesting side-light on the formative days of this program is the court action brought by three local residents to prevent development of Stevenage, the first “new town” in the London area. The action was based largely on the allegation that the Minister of Town and Country Planning, the Rt. Hon. Lewis Silkin, did not act with an open mind in approving, after the required public hearing, the Stevenage New Towns (Designation) Order. Evidence of this charge was largely from a speech Mr. Silkin made in Stevenage before the public hearing was held. Replying to hecklers, he made remarks that were taken to mean that he had already determined to go ahead with the Stevenage development. The court of original jurisdiction, the High Court of Justice, found for the complainants and directed that the order be quashed. On appeal, this finding was reversed by the Court of Appeal, and the House of Lords also upheld the action of the Minister. See digest of final decision, *Franklin and Others v. Minister of Town and Country Planning* (before Lord Thankerton, Lord Porter, Lord Uthwatt, Lord du Parcq, and Lord Normand), in *The Times*, July 25, 1947, p. 2.

time too. He also sees evidence that the plans and work now under way are aimed at giving him and those he fought for decent housing and pleasant cities. He is willing to give these plans and those responsible for them a fair chance. He knows that a fair chance means more than a few weeks or months.

VIII

But Britain is not a housing-planning Utopia after all. Despite the sweep and courage of the program and the practical start that has been made, plenty of tough problems remain—some of them very tough indeed.

The most common criticism of the British program is that it discriminates against, or at least fails to make the fullest use of, the speculative house-builder. With all building under a licensing or permit system, the Labor government has adopted the policy of granting eighty per cent of the permits to local authorities for what we call public housing—leaving only twenty per cent for private operators. Except under unusual conditions of cost or need, the private builders' share must be put on the market at not more than £1,200-£1,300 in the London area. To the speculative builders and the chief lenders on small mortgages, the building societies (the counterparts of our savings and loan associations), this is outright discrimination and a perverse failure to use all the resources of the country to speed housing construction.

The government meets this criticism head-on. What is needed, say its spokesmen, is rental housing. Many of the families most in need are young—many of them newly-weds. They do not know where they will be a few years from now. Even the established families now in desperate need of housing often face an uncertain future. Very few of those in need wish to buy now. None of them should be forced to buy houses at present inflated prices simply to get a roof over their heads. By and large, the new families and a very large proportion of those bombed out are relatively poor. Their needs should be met before materials and labor go into larger and more elaborate dwellings. Middle-income families in acute need also will be eligible for the houses as they come on the market. Just before the war, private speculative builders did not produce more than fifteen per cent of rental housing in their total output. In the present conditions of high costs, they probably would produce relatively less for rent.

Furthermore, after the last war the British government subsidized private builders as a means of offsetting very high construction costs. It proved a very difficult operation, and often a substantial portion of the subsidy simply was drained off as additional profit by the builders. Say the government spokesmen, we do not intend to repeat that mistake.¹⁶

As to the accusation that private enterprise, *per se*, is being shoved out of the program, the reply is that practically all of the local-authority housing is being built by private builders—on contract and after competitive bidding. Many of the larger house-builders, who are relatively more important in the British house-building business than in ours, are engaged in this work. Probably they are not making as much money as they would in building for sale in a desperately tight market; but they are being used. According to this argument, therefore, the question is not the use or non-use of private builders, but simply whether they are doing what they would most like to do and are making as much profit as they would like to make.

This leaves the question whether the smaller builder, an important part of the normal productive machinery, is not being squeezed out. He does not have the resources or the experience to operate in competition with either the big house-builder or the general building contractor on local-authority jobs. Here the government a few months ago changed its original policy a little. It authorized a local authority to say to a small builder in effect: "Harry, you've built some nice little houses down there on Vine Street. We could use some more like them, with only a couple of small changes, in our new housing estate. If you'll go ahead and build eight or ten of them this year, we'll buy them from you for £1,000 [or whatever the figure might be]." When bought by the local authority, these houses are used just like those built after competitive bidding. Arrangements of this kind can be made by the local authorities for up to twelve houses a year from a local builder without prior approval by the Ministry of Health. In some circumstances, particularly where the builder owns suitable land, similar deals can be made for the output of considerably larger builders.¹⁷ Last winter was too soon to say how much use will be made of this procedure.

¹⁶ For a different view on this point, see *Private Enterprise Housing; Report of the Private Enterprise Sub-Committee of the Central Housing Advisory Committee of the Ministry of Health* (His Majesty's Stationery Office, 1944).

¹⁷ Circular 92/46 of the Ministry of Health, Apr. 30, 1946.

Quite possibly it will ease the lot of the smaller builders in the smaller towns. Whether the larger local authorities will find it worth their while is another question.

So the controversy goes on. The unhappiness of many house-builders is aggravated by the fact that no one knows how long this policy of the eighty-twenty ratio will be maintained. It has practically reversed the prewar proportions of local-authority and private speculative building.¹⁸ Quite surely it will be modified substantially or dropped entirely as the current shortage is overcome. Many larger builders are concerned not only with their present operations, but also because they were caught at the beginning of the war with substantial holdings of land that they would like to make use of before the carrying charges mount too high. Meanwhile, rental housing is being built; rents are reasonable; private enterprise in one form or another is supplying the materials and putting up the houses.

IX

Housing construction costs are high. As in this country, it is hard to say exactly how they compare with prewar costs. In the later months of 1946, both wage rates and unit prices of materials were up about seventy per cent.¹⁹ Contract prices on local authority houses, however, were up one hundred to one hundred fifty per cent. As here, much of this difference has been due to allowances for uncertainties of material delivery and also to fear of labor shortages. Late last fall, the latter were replacing difficulties in material supply as the chief bugaboo. Direct comparisons have to be tempered also by the fact that the new houses are larger and have more and often better equipment. Some substitute materials also have to be used. For example, although roofing tiles were being produced at record rates, they have been so in demand for repairs to existing dwellings that contractors on many new houses were using other kinds of roofing.

Labor productivity also has fallen below prewar levels—just how much or why is hard to say. Poor diet, fatigue after years of hard, often dangerous, work on emergency repairs, draining off of the better workers to repair work now going on or to better paying jobs

¹⁸ See Marian Bowley, *Housing and the State, 1919-1944* (George Allen and Unwin, 1945), Appendix II, Table 2, p. 271.

¹⁹ "Average Earnings and Working Hours in the Principal Industries at October 1946," *Ministry of Labour Gazette*, Apr., 1947, pp. 106-116, and *Monthly Digest of Statistics* (Central Statistical Office), Sept., 1946, p. 116.

in factories—all have played a part. Even slight delays and stoppages due to slow material deliveries also affect productivity—often more than is generally recognized.

To offset these higher costs, the rate of subsidies on local-authority housing has been substantially increased.²⁰ Both the central and local government contributions have been raised, the former more than the latter. The central government now gives about three pounds for each pound of the local government; before the war, the ratio approximately was two to one.

Last winter, those directly concerned with the production and finance of local-authority housing expected bids to be lower in the not too distant future. How much and how soon they will fall are simply matters of opinion. No consensus seemed to exist. In general, however, the officials directly concerned were quite confident that they have legislative authorization to manage the subsidy machinery so that it will not materially delay the drop in costs that seem inevitable when the building business really starts to roll again. Very few, however, would claim that the job will be easy.

X

As housing production gains momentum, the labor shortage becomes more and more ominous. As a result of the war, Britain has a great deal of building of various kinds to do—residential, commercial, industrial, public projects. Repairs and replacements have accumulated over the long, hard war years. As has been pointed out, however, Britain literally lives by its export trade. Production for export, therefore, rates very high in its claims for manpower. By the end of 1946, exports were higher than in 1938; but they must go higher still and be maintained at a high level.

In these circumstances, the problem of long-term labor supply in the non-export parts of the economy has a reality that is almost unbelievable to an American, who naturally thinks of peacetime conditions as the late thirties in this country. Early last winter, British housing production was beginning to feel the pull of this manpower shortage. In some of the larger cities, labor shortages were replacing material shortages as the chief brake on house-building. Some temporary easing of this drag may come as builders get back to or beyond their prewar efficiency in scheduling and directing the site work. A pick-up in labor efficiency will also help.

²⁰ *Housing (Financial and Miscellaneous Provisions) Act 1946* (9 and 10 Geo. 6, Ch. 48; Apr. 18, 1946).

But the specter is still there, and how seriously, if at all, it will curtail the plans for large-scale city rebuilding remains to be seen.²¹

XI

Prefabrication also has had a sad career thus far in Britain. In the latter stages of the war, it looked to many Britishers like the white hope to beat shortages in conventional building materials, labor scarcity, and high costs. The then Minister of Works, Lord Portal, jumped on this bandwagon and seized one of the loudest trumpets. Apparently against the recommendations of his chief technical advisers, he persuaded Mr. Churchill to announce that the government would shortly produce up to 500,000 prefab houses and distribute them to local authorities to take the edge off the acute need while longer-term plans and building were getting under way.²²

²¹ Developments on this front during 1947 are not encouraging. During its first eighteen months, the Labor government wisely refused to make the serious mistake of its predecessor, the coalition government of Mr. Churchill (duplicated in extreme form by our National Housing Agency under Mr. Wilson Wyatt) of setting and advertising high-sounding housing goals before anyone could intelligently guess what amount of housing could or would be built in the immediate future. Not until January, 1947, did the British government announce "an estimate of the total amount of work on the construction of new houses which the Government considered it reasonable to expect the building industry to carry out during the year." The program is based on specified assumptions as to the supply of labor, materials, and components, which must be the main governing factors. These assumptions are drawn from known facts on progress made during 1946 and from the best calculations that can be made at the present stage; but these can be tested only by the course of events during the year" (*Housing Programme for 1947*, Cmd. 7021, p. 2). In short, this program was for the completion during 1947 of 240,000 permanent and 60,000 temporary houses—300,000 in all. This total would be roughly equivalent to the record rates of house-building in Britain in the late thirties and, incidentally, to 950,000 to 1,000,000 units in this country.

The coal-distribution and other transport troubles late in the winter forced the government to announce that its 1947 housing program might have to be reduced. Continued low production of coal aggravates the lumber shortage, which the program recognized as one of the most vulnerable points in future housing production. It is now (August, 1947) too soon to say what the latest "British crisis" (in its general trade and dollar position) may mean for housing. Probably, however, housing will suffer further from the lumber and labor shortages as the strained resources of the economy are forced even further into production for export.

Quite as important for the housing-city rebuilding program is the report of recent visitors that the recurring economic troubles are beginning to undermine the interest and hope that marked its early stages. No one, however, ought to exaggerate this trend. British determination can be dampened, but not as easily as many people would like to believe.

²² Radio broadcast by Mr. Churchill, Mar. 26, 1944. Excerpts in *Britain and Tomorrow—British Official Statements*, Vol. IV (Sept., 1943—Dec., 1944), p. 37.

Very few, if any, Portal houses were ever built. As usual, the rosy announcement was far ahead of the slow, hard process of perfecting the techniques of manufacture and erection, let alone those of distribution and consumer acceptance, which were not involved so much in the Portal scheme. Undoubtedly the failure of the program counted against Churchill's party in the general election of July, 1945. Meanwhile, the technical men in the Ministry of Works were doing a careful, competent job of working with several budding prefabricators. Several of the houses seemed to hold real promise. Unfortunately, in trying to meet the immediate need the manufacturers worked first on temporary houses—small in size and with an estimated useful life of not more than ten years. When Labor took over the government, it decided not to go into temporaries of any kind on a large scale but to concentrate on high standard, long-term building. Not wishing to leave the prefab manufacturers high and dry after the development and experimental work they had undertaken at the urging of the previous government, the new Minister of Works decided to go ahead with contracts for about 165,000 of the temporary models.²³

These houses are now sprouting up everywhere. Unfortunately, as temporaries they often are put up on the edges of parks, on bombed out sites, or on outlying lots not too well suited for residential development. Most Britishers apparently have little use for them—"too small, chicken-coops, too expensive for what you get, only good thing is the equipment." These criticisms are not unfair as applied to these particular houses, but it is unfortunate and unfair that in most British minds prefabrication has become synonymous with temporary, substandard structures.

The Labor government has made prefabricated housing purchased by local authorities eligible for subsidies—in fact, the act allows a somewhat higher subsidy to offset their now expected higher cost.²⁴ Some of the hardier producers are going ahead with new models for permanent prefabs. In December, the official *Return* listed nineteen types of prefabs (plus a catch-all—"other types") being put up by local authorities. The total of these houses was about 45,000 units, of which 24,000 were under construction and 2,700 were completed. The prefabricators' row ahead, however,

²³ White Paper—*Temporary Housing Programme* (Cmd. 6686—Oct., 1945).

²⁴ *Housing (Financial and Miscellaneous Provisions) Act, 1946* (9 and 10 Geo. 6, Ch. 48), Sec. 17.

looks very rough and rocky. As in this country, and maybe to a greater degree, premature ballyhoo and glib talk have given a serious setback to a potentially important addition to existing methods of housing production.

XII

Like us, the British have not found the answer to the question of how best to marshal the agencies concerned with housing in the central government. Six ministries have something to do with housing: Health, Town and Country Planning, Works, Supply, Labor and National Service, and the Board of Trade. Of these, the Minister of Health has a certain primacy in policy determination and usually speaks for the government on housing affairs. Works and Supply deal only with emergency problems of building materials, equipment, and temporary houses. Many officials in Whitehall and the town halls, as well as private citizens throughout the country, consider that administrative responsibility is too split up.

The present government has recognized this difficulty and taken the usual first step to meet it. Five of the ministers mentioned above—all except the Minister of Town and Country Planning—make up the Housing Production Executive. The Minister of Health is chairman. Its executive officer is charged with ironing out the bumps and wrinkles and assuring reasonable consistency of policy and administration. He is *ex-officio* chairman of all inter-departmental committees on housing questions. In addition, he deals directly with the ministers on many matters—sometimes individually, sometimes with two or more.

During last fall, various newspaper stories predicted the formation of a Ministry of Housing. Publications as different as *The Times* and *Picture Post* editorialized in favor of it. One story that seems reasonably authentic is that the government is convinced that such a ministry is desirable, but believes that it would be a mistake to set it up just as the current program is getting nicely started. The necessary period for organizing and shaking down a new department might better be postponed until the current program reaches a less critical stage.

Of course, the British program has other facets, and its ramifications go far and wide—rent control, rural housing, local-government finance, land acquisition and control (on which Parliament

has just passed a most far-reaching measure)²⁵—all would be included in a more extended and systematic discussion. To some degree, however, they are still the domains of the specialists and the experts. On the wider public issues outlined here, the reader can make his own judgment of where the balance of good and bad, of wisdom and weakness, lies. Clearly, Britain is not yet an urban planning-housing Utopia. Each part of the program can be picked at. Not one is above some fair criticism. But they do fit together into a consistent whole. For the first time, a modern state is boldly attacking the problems of urban environment on all fronts—technical, economic, social, governmental—as a major public responsibility. And the attack is gaining ground. Where in the world today is a better balanced program for city building or one with higher objectives and more drive?

XIII

What is behind this drive? What enables a tired people harassed by so many accumulated troubles to undertake so difficult and strenuous a program of city rebuilding? Why are they not satisfied, as many are in this country, to talk about volume of housing construction—to throw up big figures as targets or goals, and to pass around the responsibility for making more livable cities out of more houses until the whole issue finally becomes dog-eared and shopworn?

To the Labor party goes a lot of the credit. Many Labor members know from actual experience the worst of the inconvenience, discomfort, and outright squalor of urban living. No one has to tell them that the setting for city life needs improvement. They know it; it has been a part of their lives. They give enthusiasm and push that counts. Other members—many from the large and growing middle-class, professional-intellectual wing—are proving effective mobilizers of expert opinion on ways and means. This over-simplifies the Labor party's actual operations. Many individuals in it combine both a fierce hatred of urban squalor and a keen sense of public policy and social engineering. And they come from both

²⁵ Introduced in January, 1947, as the Town and Country Planning Bill, 1947. According to the Associated Press, it finally passed the House of Lords on August 6, 1947. Its most controversial sections deal with the old problem of land values based on expected change from lower to higher income uses. If its solution proves practicable, it may well be the most significant measure in the history of modern city and metropolitan planning.

wings of the party. The real point is that Labor in this job has the benefit of strong convictions and social know-how.

Labor has two other qualifications that are often overlooked. Although its previous governments were short and undistinguished, it has been the majority party in many local governments for years. In town halls it has trained and tested its leaders—often on the very problems that this program now attacks. Herbert Morrison, Lord President of the Council and Labor's leader in the House of Commons, and Lewis Silkin, Minister of Town and Country Planning, are only two examples—both are graduates of the London County Council. And many people in this country seem to forget that the British government during most of the war was not a Conservative government but a coalition in which Labor was well represented. The Conservative government during the war was that of Neville Chamberlain. Both its sorry showing and the records of such Laborites as Ernest Bevin and A. V. Alexander, First Lord of the Admiralty, in Churchill's government, have given self-confidence to all sections of the Labor party. The myth of one class fit to rule in Britain is gone forever. Labor has started to build better cities not only with fervor and administrative know-how, but with confidence born of success in the highest posts in both local and national government.

All due credit to Labor, however, should not blind us to the large area of bi-partisan agreement (tri-partisan, perhaps, if the Liberal party is still to be counted) that exists today in British thought on housing and local planning. For example, in many ways the most radical part of Labor's program is the New Towns Act. Yet that act follows quite closely the recommendations of the New Towns Committee, whose chairman, Lord Reith, is not a Laborite and, in fact, was Minister of Works and Planning in Churchill's government. If Churchill were prime minister today, the eighty-twenty ratio would most surely be out and private builders probably would be subsidized as well as local authorities. And most of the rest of the program would go ahead about as it now is—but cut down a bit here and more there and probably pushed with less vigor; but nevertheless it would go ahead.

And behind this program is much mature common sense. It saves so much grief and waste of energy; it gives so much more continuity; it produces so much more confidence in government programs

and objectives. Nobody in a responsible position, official or private, talks much about housing starts—everybody knows that families live in completed houses, not in starts. In fact, a deliberate effort was made to hold starts in check until material supply began to pick up.²⁶ Again, the present government held back in setting production goals, popular as this might have been. During the latter part of 1945 and 1946, it said in effect: "Everyone knows we're short of houses—desperately short. We're going to do everything we can to help build as many houses of the right kind in the right places at the right prices. When this job is really rolling, we'll begin to worry about exactly how much we need. It'll be a lot." As pointed out above, only late in January of this year did the government come out with a one-year goal for housing production. Again, the Churchill government passed legislation for the Local Government Boundary Commission. Labor MP's were not happy about it; one, in fact, said it was "weak, pitiful, and inadequate." But when Labor came to power, it appointed such a strong Commission that it was praised on every hand. In short, both parties act more or less like grown-ups. (If anyone thinks this is weakness or makes for colorless politics, he should see and hear Herbert Morrison, with his cockney wit and repartee, or Minister of Health Bevan, with his Welsh fire and fight, in action in the House of Commons!)

Labor realism and technical skill, a large area of agreement on the main outlines of policy, the mature common sense that bolsters popular confidence in the government—these account for much of the drive behind this campaign for new and better cities. But at least two less tangible forces are also at work. Both of them are hard to describe; they come too close for comfort to the inanities of "national character." But they should not be passed over.

One of the deepest emotions in most Britishers is a love of country—the physical country of their lovely, packed, little island. Blake's vow, "Nor shall my sword sleep in my hand, till we have built Jerusalem in England's green and pleasant land," has a poignancy and reality that just do not seem quite the same elsewhere. And the last six or seven generations of Englishmen have seen

²⁶ Some question may be raised as to whether this check was strong enough. See the series of articles on "The Housing Programme" in *The Times*, Apr. 22, 23, and 24, 1947.

themselves more and more cut off from that countryside. They have seen more and more of its limited area despoiled by the black towns of the industrial revolution, by the mediocrities of the suburban sprawl, and by the grim graveyards of the depressed areas. The present generation has seen this picture blacken on many sides. Consciously or subconsciously, many people of all classes and backgrounds resent this persistent trend and, deep in their hearts, want to see it stopped and thrown back.

Now come political leaders, supported by citizen organizations and flanked by many experts, all saying it *can* be done—green, pleasant, comfortable cities can be built; easy access to the countryside can be restored; urban democracy can be given an appropriate setting. Although the physical damage from war-time bombing does not force them to start on so difficult a job in such difficult times, it does remind them, again maybe subconsciously, of the way they stood together as the bombs fell—stood together as human beings believing not only in human dignity and democratic government, but also in simple things like green spaces, safe playgrounds, the unaffected amenities of living in a decent neighborhood, and the protection of homes against the noise and dirt and tension of modern industrial production. Somehow or other, some of the human solidarity of those days of bombing still lives—not too much, perhaps, but some of it. And it seems most easily awakened by a program that proposes, among other things, to heal the scars of that war-bombing and to give every Britisher an even greater stake in a democracy that knows it will stand or fall eventually because of the kind of life and living it makes possible for the mass of its citizens.

NATURAL LAW: A FUNCTIONAL INTERPRETATION

BURKE INLOW
Princeton University

This study represents a preliminary inquiry into certain of the functional aspects of the natural law doctrine, particularly as it applies to American constitutional development. Throughout, the conceptual considerations, as such, will be ignored.¹ Instead, the basic consideration will be one of usage. How does natural law work? What does it do? If this distinction seems arbitrary, the writer can only point out that law and politics are not theoretical studies; that they are the bone and sinew of society; that if the social order is to serve humanity with the greatest possible direction, it should know the proper functioning of its constituent elements. Natural law, like atomic energy, is important because it works, not because it was invented. And by the same token, it is best understood by a respectable familiarity with its usage, not by memorizing the symbols of its essence.

The easy identification of natural law with the constitutional development of this country is apparent from even a cursory examination of the great body of constitutional doctrine. We have, for example, the whole concept of property relationships as they have come to us from the eighteenth century. We have a similar form-pattern in the development of certain processes of the law itself. We talk of the "reasonable man," or we invoke the "rule of reason." But the decisive characteristic of American constitutional development has been none of these. Rather it has been the acceptance of the working principle of negation. To avoid an enactment or a statute is considered, in this country at least, a valid exercise of authority. While it might be difficult to seek the legitimate derivation of such an action, or even to justify it, it is possible to consider its assumptions.

Briefly, they are contained in the body of doctrine which Judge Cooley first developed systematically under the title of "constitutional limitations." In reality, the word "constitutional" is a misnomer. It were better entitled "natural" limitation. For in the words of the learned judge, the essential principle is one "which

¹ However, see B. F. Wright, *American Interpretations of Natural Law* (Cambridge, 1931).

circumscribes the legislative authority aside from the specific restrictions which people impose by their constitution."²

Actually, the word offers merely the clue to the performance. It is the principle of limitation, more than any other single effort, which forces the study of natural law in the United States into a significantly functional interpretation. It is this, to use the older expression of Judge Chipman, which reduces to the principle of utility.³ In short, here is the answer to the considering clause contained in the identification of natural law with American constitutional development.

The long history of colonial development demonstrates only too well that the precise principles of constitutional law with which we here are concerned were a concern of the majority of the thirteen colonies. Certainly this was true of New England. As Dr. Morris has remarked, "The early history of the law in Massachusetts Bay involves a struggle between the desire of the governing group for discretionary powers in the administration of justice and the popular demand for security."⁴ This same struggle could be duplicated in Barbados or along the frontier, and it is important to notice that the most consistent element present in the trend toward the limitation of legislative authority was the concept of natural law.⁵ There was no general agreement upon the definition of the term as such. Many languages were spoken, but the essentials were the same. The Puritan thought "that all Laws that are sup'structive may be altered by the representative body of the Com:ow: Yet they have not power to alter anythings wh'ch is fundamental";⁶ while in the expression of plantation thought, there was ample illustration of the same general thesis. Cavalier in theme, it was replete with Whiggish overtones. The legislature, said John Locke (much quoted in Virginia), "is not, nor can possibly be, absolutely arbitrary over the lives and fortunes of the people."⁷ To Locke,

² T. M. Cooley, *A Treatise on Constitutional Limitations* (Boston, 1868), p. iv. See also B. Cardozo, *The Nature of the Judicial Process* (New Haven, 1921), p. 92.

³ N. Chipman, *Principles of Government* (Burlington, 1833), p. 71.

⁴ R. E. Morris, *Studies in the History of American Law* (New York, 1930), p. 28.

⁵ "It is evident that there is a close relation between the law of constitutional limitations and the law of fundamental rights in America." F. N. Thorpe, *Essentials of American Constitutional Law* (New York, 1917), p. 202.

⁶ John Winthrop, *Journal*, II, p. 438, quoted in Morris, *op. cit.*, p. 35.

⁷ John Locke, *An Essay Concerning the True Original, Extent and End of Civil Government* (2d Treatise), sec. 135.

there were certain principles of eternal right which proclaimed a constant limitation upon the legislative function.⁸

Through the concept of natural law, then, the various strains of colonial America moved, each with a different interpretation of principle,⁹ but with the same principle, nevertheless, into definite channels. The planter talked Whig doctrine; the Puritan, theology; and the frontiersman, a newer, more virile language.¹⁰

Space does not permit a consideration of the devolvment of these numerous doctrinal statements into a common political cipher. That the concept of the limitation of authority should eventually bring them to a conclusion which would unite the colonies in a common political action against the power of Parliament is an excellent illustration of how that concept, when seen in terms of natural law, became a means of obtaining the confinement of legislative authority.

Recent emphasis upon the social and economic implications of the American Revolution have tended to obscure to some extent the plain fact that the struggle for independence was essentially a legal one; that the recovery of legal rights by the colonists was the avowed purpose of the military action; that colonial demands were not revolutionary, but were merely the logical culmination of a denial of Parliament's right to pass acts affecting the internal polity of the colonies.¹¹

Legally, the colonial position was posited upon the rule in Calvin's case which held that members of the British Commonwealth were bound to the king's person, not to the king in Parliament; that by direct implication, the power of Parliament is not a supreme power. The prerogative of the king was not, in fact, denied until the final act of revolution. The important point to consider, then, is not so much whether or not the dominions beyond

⁸ "[These] principles impressed themselves upon American constitutional law by the limitations they laid down upon the legislative power." E. S. Corwin, "Higher Law Background of American Constitutional Law," *Harvard Law Rev.*, Vol. 42 (1928-29), p. 389.

⁹ Locke, for example, denied the validity of New England claims. See R. G. Gettell, *History of Political Thought* (New York, 1924), p. 226.

¹⁰ "It is evident . . . that a belief in natural right found ready lodgment in the minds of residents along the frontier." F. L. Paxson, *History of the American Frontier* (New York, 1924), p. 100. Also see Paxson, "Influence of Frontier Life on the Development of American Law," *State Bar Assoc. of Wis., Reports*, LIII (1919-20-21); R. Pound, *Spirit of the Common Law* (Boston, 1921), Chap. V.

¹¹ C. H. McIlwain, *The American Revolution* (New York, 1924).

the sea were bound by acts of Parliament (in this case without representation), but whether such a principle as the limitation of Parliament existed.

Of the men who were most influential in formulating and stating the constitutional issue involved, Richard Bland, a man of considerable reputation in his day, both as a legislator and as an historian, was probably the first to reject the legality of Parliament's acts and to adopt the principle of limitation.¹² James Otis was not willing to carry his reasoning this far, nor was John Dickinson, though both stated the doctrine of limitation without denying the legality of the acts. In the "Rights of the British Colonies Asserted and Proved," Otis admits that "the parliament of Great Britain has an undoubted power and lawful authority" to bind the colonists, yet feels that "no act of Parliament can deprive them of their liberties as such."¹³ To him, "all power is of God,"¹⁴ and "should any act of Parliament be against His natural laws, which are immutably true, their declaration would be contrary to eternal truth, equity, and justice, and consequently void."¹⁵

Bland, however, saw the power of limitation as more than theory. Whereas Otis admitted that America's only recourse was to a petition, the aged draftsman of the famous Remonstrance to the House of Commons (House of Burgesses, October Session, 1764) stated quite frankly that "when subjects are deprived of their civil rights . . . they have a natural right to quit the society of which they are members." His "Inquiry into the Rights of the British Colonies" is the most adequate statement of his position. It contains, in addition, the most complete statement of the doctrine of parliamentary limitation up to that time. Throughout, he makes frequent reference to the law of nature, and feels it binding on the legislative power. "Great is the power of Parliament," he declared, "but great as it is, it cannot constitutionally deprive the people of their natural rights."¹⁶

The works of John Adams, while more systematic and perhaps more scholarly than Richard Bland's, add very little to the latter's

¹² Thomas Jefferson, *Writings* (P. L. Ford, ed., New York, 1898), IX, p. 474.

¹³ James Otis, "The Rights of the Colonists Asserted and Proved," p. 69. Reproduced in C. F. Mullett, "Some Political Writings of James Otis," *University of Missouri Studies*, IV, No. 3 (1929), p. 325.

¹⁴ Mullett, *op. cit.*, p. 335.

¹⁵ *Ibid.*, p. 334.

¹⁶ Richard Bland, *An Inquiry Into the Rights of the British Colonies* (Williamsburg, 1776), p. 26.

statement of the colonial position.¹⁷ In speaking of the struggle for control in government, he strikes at the authority of Parliament, asserting the rights of the populace. "I say Rights, for such they have, undoubtedly, antecedent to all earthly government,—Rights, that cannot be repealed or restrained by human laws—Rights, derived from the great Legislator of the Universe."¹⁸ Adams, nevertheless, works, as did Otis, from within the framework of the British constitution. Yet he realizes, more completely than did Otis, the nature of that constitution. To him, it "stands upon this principle, that the meanest and the lowest of the people are, by the unalterable, indefeasible laws of God and nature," entitled to the same benefits "as the nobles or the King."¹⁹ The people, in choosing a legislative body, are "reserving always the fundamentals of government."²⁰

James Wilson was of a like opinion. While accepting the usual legal position that "the American colonists are not bound by the acts of Parliament, because they are not represented in it,"²¹ Wilson goes on to declare the even greater principle of limitation. "The law of nature is immutable," he says, "not by the effect of an arbitrary disposition, but because it has its foundation in the nature, constitution, and mutual relations of men and things."²² To this former candidate for holy orders, there was no question as to what he meant by this declaration. It was not the imperial decree of New England's "universal legislator" that lent validity to the concept of natural law. Wilson specifically denies such an element of superiority as "containing the germ of divine right of princes to rule and of the corresponding obligation of the people implicitly to obey. . . . Now that the will of a superior is discarded . . . What principle shall be introduced in its place? In its place, I introduce the consent of those whose obedience the law requires."²³ This is perhaps the most satisfactory explanation of the utility of natural law that comes from a colonist.

The public declarations that challenged the right of Parliament to legislate for the colonies were almost as numerous as the works of individuals. Beginning with the Remonstrance of the Massa-

¹⁷ *Ibid.*, p. 12.

¹⁸ John Adams, *Works* (ed. by C. F. Adams, Boston, 1865), III, p. 449.

¹⁹ *Ibid.*, III, p. 480.

²⁰ *Ibid.*, III, p. 481.

²¹ R. G. Adams, *Selected Political Essays of James Wilson* (New York, 1930), p. 71.

²² *Ibid.*, p. 288.

²³ *Ibid.*, p. 251.

chusetts General Court in 1646,²⁴ which held as the "fundamental basis" of their laws the "law of God and Right Reason" and iterated that "our allegiance binds us not to the laws of England any longer than while we live in England . . . for we have no laws . . . contrary to the law of God," up to the Virginia declaration of rights which states the "unalienable right" to alter or abolish a government which is not of the greatest benefit of all,²⁵ any number of forcible complaints can be found, all of them stating clearly the constitutional issue involved and invoking the familiar concept of natural law to maintain the colonial position. As an extra-legal agency (not necessarily considered so by them, however), it was looked upon as a valid and legal limitation upon the actions of Parliament.

The entire movement toward the constitutional limitation of Parliament reached its apogee in the Declaration of Independence. Of no less importance than the rights declared in that famous document was the implication derived from those rights that the logic of position was forcing a factual consideration of the theory of limitations. The call to arms was a denial of the claims of the king in Parliament—a denial invoking the higher utility of the concept of natural law.

With the establishment of a national government in the United States, the theory of limitations as it related to the powers of Parliament rested upon the assumptions of a new scheme of federalism, a scheme in which the legislative power was vested in a national body. On the face of it, it would appear that a redefinition of the principles of limitation might be called for.²⁶ Certain elements, present in the Parliamentary problem—namely, the problem of taxation without representation—were now no longer present. In their absence, could the principle of limitation bind a truly representative legislature?

The legal tradition of this country has ruled that it could; and the doctrine of judicial review is the method whereby this has been effected. "Any act of the legislature," reads a clear statement of the principle, "which violates any of these asserted rights, or which intrenches on any of these great principles of civil liberty, or the

²⁴ John Winthrop, *History of New England* (ed. by J. Savage, Boston, 1853), I, p. 388. Quoted in Morris, *op. cit.*, p. 19.

²⁵ 3rd sec.

²⁶ For an analysis of this problem, see J. Allen Smith, *Growth and Decadence of Constitutional Government* (New York, 1930), pp. 12-26.

inherent rights of man, though not enumerated, shall be void."²⁷

Historically, judicial review is an American doctrine, though it contains characteristics derived from alien sources. There are, for example, elements of the social contract present in its working achievement; elements of the "law of the land," elements of "due process." But none of these explains what is peculiarly American in the doctrine, notwithstanding their contribution as signposts. What marks the distinction of the doctrine of judicial review is not merely that judicial review comprehends the same derivatives as does natural law—though it does that—but rather that these derivatives act functionally in giving substance to the legal doctrine. It is the unbroken tradition of a so-called "natural" limitation in this country from earliest times—a limitation acting as a negative, which entitles judicial review to the designation of "the American variant of natural law."²⁸

As is well known, the institution of judicial review had laid down roots prior to the American Revolution,²⁹ but its rise to swift maturity in the formative years of American law is what marks its classic place in constitutional theory. It is during these years that the actual formal identification of the natural-law doctrine with the doctrine of judicial review takes place in America. There are few major court decisions at this time that do not place the negating of a statute upon the basis of natural limitation. Justice Chase, to take a single example, pointed out that "an act of the legislature, contrary to the first principles of the social compact, cannot be considered a rightful exercise of legislative power"³⁰—a thesis reiterated in *Cooper v. Telfair*³¹ and considered at great length by both Story³² and Marshall.³³

Successive generations of Supreme Court justices took similar cognizance of the peculiar place of natural limitation. To a majority of the Court that sat in the years following the Civil War, as to a majority of the Court in earlier times, the doctrine of judicial review was considered as a necessary corollary of the theory of the

²⁷ *In re Dorsey*, 7 Porter (Alabama) 377-378.

²⁸ R. Pound, *Introduction to the Philosophy of Law* (New Haven, 1922), pp. 50-52.

²⁹ C. G. Haines, *The American Doctrine of Judicial Supremacy* (Berkeley, 1932), Chap. III.

³⁰ *Calder v. Bull*, 3 Dallas 385. Also Justice Iredell's concurring opinion.

³¹ 4 Dallas 414.

³² *Wilkinson v. Leland*, 2 Peters 657.

³³ *Fletcher v. Peck*, 6 Cranch 87.

"inalienable rights" of the citizenry. Justice Mathews believed that "there are certain fundamental rights which that system of jurisprudence, of which ours is a derivative, has always recognized"³⁴—a position concurred in by Justice Field when he declared that police regulations could be upheld only "when such regulations do not conflict with any constitutional inhibition or natural right."³⁵ To Field, "the theory upon which our political institutions rest is that all men have certain inalienable rights,"³⁶ and the function of the judiciary is, in the words of his nephew, Justice Brewer, "limited to seeing that popular action does not trespass upon right and justice as it exists in written constitutions and natural law."³⁷

Such statements are too numerous to bear recital.³⁸ The point is that men like Field, Waite,³⁹ Harlan,⁴⁰ Brewer, and Miller⁴¹ posited their thinking upon a doctrine which preceded them and which has survived them. Irrespective of the further ramifications of their thought, their method of confining the power of the legislature was to invoke the principle of natural limitation—a principle basic in American constitutional development.

The quarter of a century from 1875 to 1900 found an interesting shift in terminology taking place in American legal doctrine. Whereas earlier the limiting principle invoked by the courts was one of "natural" limitation, by the turn of the century there was little trace of its verbal presence.⁴² Yet if judges talked but infrequently of natural law, they spoke in increasing earnestness of the "due process" doctrine as a valid limitation upon the actions of legislatures. The principle of utility had translated the fundamental

³⁴ *Hurtado v. California*, 110 U.S. 536.

³⁵ *Butcher's Union Company v. Crescent City Co.*, 111 U.S. 759.

³⁶ *Cummings v. Missouri*, 4 Wall. 321. Also see *Barbier v. Connolly*, 113 U.S. 31.

³⁷ Address before the N. Y. Bar, New York Bar Assoc., *Proceedings*, 1893, p. 46.

³⁸ They were, of course, not confined to the federal judiciary. The Massachusetts supreme court declared during this time that "there are certain fundamental rights of every citizen which are recognized in the organic law of all our free American states. A statute which violates any of the rights is unconstitutional and void, even though the enactment of it is not expressly forbidden." *Commonwealth v. Perry*, 155 Mass. 125.

³⁹ *U.S. v. Cruikshank*, 92 U.S. 554.

⁴⁰ *Chicago, B & Q R. R. Co. v. Chicago*, 166 U.S. 226.

⁴¹ *Loan Assoc. v. Topeka*, 20 Wall. 663.

⁴² However, see C. G. Haines, *Revival of Natural Law Concepts* (Cambridge, 1930), pp. 232-234.

law concepts of Justices Story and Field into the language of a more sophisticated people.

The term "due process of law," a phrase synonymous with "law of the land,"⁴³ first appeared in this country in 1692 in the General Court of Massachusetts Bay. Apparently, even at that early date, it had ceased to bear the ordinary connotations of the English phrase (i.e., the course of administration through courts of justice). Former Chief Justice Hughes remarks that the "phrase 'due process of law' represents an American conception of extraordinary pervasiveness. . . . They [the colonists] did not attempt to define the meaning of the phrase; doubtless it appeared to them as having an indefinite content and all the better for that. *They wanted protection against tyranny whenever and however it might hit.* . . . But it would be going too far to insist that these requirements were all they had in view. . . . They were also intent on safeguards against arbitrary government. *They were intent on protection against legislatures as well as executives.*"⁴⁴

Though as former Chief Justice Hughes rightly points out, the term "due process" has an historical stature of almost equal length in this country with certain other derivatives of the natural law doctrine, it is also true that the expression did not come into general usage until the close of the last century when a revolution in thought was forcing a reëxamination of legal and political precepts. Critical realism discarded the romantic terminology of natural law and substituted a technical language of its own. In law, the term "due process" became the tailor retailed.⁴⁵

The recent history of due process has followed the same general pattern as that of other derivations of the natural law doctrine (including the use of the doctrine itself), and its substantive interpretations have given as much pain to its enemies as did some of the earlier natural-law interpretations to the empiricists. But just as the older terminology had watched the succession pass, so due process discovered that its own new-found strength was being subjected to the dynamics of political insecurity; that the essence of its nature was eventually being subordinated over a period of time to

⁴³ W. W. Willoughby, *The Constitutional Law of the United States* (New York, 1929), pp. 1683 ff.

⁴⁴ C. E. Hughes, *The Supreme Court of the United States* (New York, 1928), p. 187. (Italics mine.)

⁴⁵ *Whitney v. California*, 274 U.S. 372. Justice Brandeis, for discussion.

the purpose of that nature. Since 1936, substantive due interpreted by the Supreme Court has been held in abeyance; the further implications of this action may be is perhaps early to predict.⁴⁶ There may be a complete decline in there may yet be a further substantive extension. But it is there likely to be a basic reconstruction of the fabric of the principle. The decline—if it has set in—of substantive due will, like the rise of it earlier, merely manifest itself as an example of the theory of utility functioning in the field of constitutional law. The principle of limitation as a necessary check against the unconfined power of the legislature will still be a necessary corollary of political freedom.

The purpose of this paper has not been to seek a justification outside the categories of positive law for such a principle. It is the contention rather that the very existence of this principle arises out of its utility and not out of its essential character. The mechanism of the constitution, the laws implementing it, the theoretical significance, the theories forming the assumptions together give meaning and validity to government, no philosophical overtones. A great teacher of constitutional law admonished his students: "Look into any constitution of the English-speaking race and you shall find the same way of action; its aim is always an arrangement of business; no abstract setting forth of liberties, no pretensions of privilege or political rights, but always a formulation of ends and of methods, a regulation of the way governments shall act."

The entire course of American constitutional development has been marked by precisely this technique of performance. The fundamental consideration, to take the problem of this paper deals, been one of "higher law" as such. Colonial America talked just as the men of our own day in terms of limitations, whether as pamphleteers or as justices of the Supreme Court. Men are to be secured; legislatures to be limited. To this end, the presence of natural law has served consistently as a method, as a means of accomplishing a legitimate purpose.

⁴⁶ However, see Carl Brent Swisher, *The Growth of Constitutional Law in the United States* (Chicago, 1948), Chap. V.

⁴⁷ W. Wilson, *Constitutional Government in the United States* (New York, 1908), p. 8.

AMERICAN GOVERNMENT AND POLITICS

THE NEW PRESIDENTIAL SUCCESSION ACT

JOSEPH E. KALLENBACH
University of Michigan

Among the responsibilities which the Constitution imposes upon Congress is the regulation of the succession to the office of president in certain contingencies. The framers of the Constitution themselves disposed of the problem in part by creating the post of vice-president and making that officer a first recourse in filling a vacancy in the presidential office. Realizing the need for designating more than one prospective successor, since vacancies might occur in both offices simultaneously, the convention at a late stage in its proceedings added as a seeming afterthought a clause authorizing Congress to make further provision by law on the subject.¹ Although seven presidents and seven vice-presidents have died in office and one vice-president has resigned during the time the Constitution has been in operation, the situation envisaged by the framers has never actually arisen. Nevertheless, the power entrusted to Congress is important potentially. During nearly one-fourth of the time since 1789, a federal statute rather than a constitutional provision has governed the succession to the presidential office in an immediate sense.²

Two fundamentally opposed theories have been advanced concerning the officer upon whom Congress should cause the powers and duties of the presidency to devolve. One is that the presiding officer of the House or the Senate should be designated, in order to insure that any person becoming acting president shall achieve that status through an elective process. The

¹ Art. II, sec. 1, par. 6, of the Constitution, which deals with the matter, reads: "In case of the removal of the President from office, or of his death, resignation, or removal, or inability to perform the powers and duties of said office, the same shall devolve upon the Vice President, and the Congress may by law provide for the case of the removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected." Sec. 3 of the Twentieth Amendment, adopted in 1933, amplifies the original authorizing clause as follows: "... the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified."

² The seven presidents who died in office left unexpired portions of their terms totaling almost 23 years. In addition, there have been about 13 years of vacancy in the office of vice-president. The fifteen periods (including the present one) during which the succession arrangements based on statute have named the person next in line for the presidency total approximately 36 years—amounting to about 22½ per cent of the entire period from 1789 to 1949.

other is that Congress should designate a subordinate executive officer, in order to insure continuity of policy in the executive branch and to maintain unimpaired the system of separation of powers. A second basic question is whether the officer who succeeds to the presidency should be allowed to occupy that office for the remainder of the unexpired term, or should be regarded as an *interim* president serving only until a successor has been chosen by special election.

In the three presidential succession laws it has passed, Congress has vacillated on these issues. The first statutory arrangements on the subject were contained in the Presidential Electoral Law of 1792,³ in which Congress named the president *pro tempore* of the Senate and, after him, the speaker of the House as the officer on whom the responsibility of acting as president should fall when no vice-president was available. Section 10 of the law provided for setting in motion the electoral college machinery for choosing another president immediately upon assumption of the powers and duties of the presidency by one of these officers. This statutory arrangement was superseded by the Presidential Succession Act of 1886,⁴ which named the heads of the seven cabinet departments then existing, beginning with the secretary of state, as the officers in line for the succession. This act repealed the section of the 1792 law which required immediate steps to be taken for choosing a successor through the electoral college system; but by requiring the acting president to assemble the Congress within twenty days if not already in session, the 1886 law apparently was intended to give the Congress opportunity to arrange for selection of a successor, by special election or otherwise, if it should see fit.⁵

The death of President Franklin D. Roosevelt in April, 1945, shortly after the beginning of his fourth term, brought attention afresh to the constitutional and statutory arrangements relating to the matter of succession. Public interest was heightened when President Truman himself addressed a special message to Congress on June 19, 1945, urging revision of the 1886 law in the interest of "orderly, democratic government."⁶ Pointing out that there would be no elective successor to himself available for almost four years, he recommended that Congress pass a new law which would place the speaker of the House and the president *pro tempore* of the Senate ahead of the cabinet officers in the line of succession. He also suggested that the new legislation should contain provisions for holding a

³ Act of Mar. 1, 1792, ch. 8, secs. 9 and 10; 1 *Stat.* 240.

⁴ Act of January 19, 1886, ch. 4, secs. 1-2; 24 *Stat.* 1.

⁵ For an account of the origin of the 1886 law and a criticism of this feature of it, see Charles S. Hamlin, "The Presidential Succession Act of 1886," *Harvard Law Review*, Vol. 18, pp. 182-195 (Jan., 1905).

⁶ *Cong. Record*, 79th Cong., 1st Sess., p. 6272; *House Doc.* 246, 79th Cong., 1st Sess.

special election to fill out the unexpired portion of a presidential term, particularly if a situation requiring resort to the statutory line of succession should occur in the first half of a term. The President's proposal, in substance, would have restored the system of succession provided in the 1792 law, but with two modifications: (1) the positions of the speaker of the House and the president *pro tempore* of the Senate would be interchanged, and (2) cabinet officers, who were not included in the line of succession under the 1792 law, would be added to it.

The President's suggestion was accepted with apparent enthusiasm by the House of Representatives. Within a month after receipt of the special message, a bill was passed carrying out the President's recommended changes in the order of succession, but omitting the special election feature.⁷ In committee in the Senate, the bill was blocked, even though President Truman, somewhat to the surprise of some political observers,⁸ again called for action on the matter in his annual message of January, 1946. The Senate did, however, pass a concurrent resolution creating a special joint congressional committee to study and make a report on all aspects of the problem,⁹ though the House failed to concur.

The political implications of the new plan of succession were changed as

⁷ *Cong. Record*, 79th Cong., 1st Sess., pp. 7008-7028. The bill, H.R. 3567, was sponsored by Representative Sumners, Democrat, of Texas, chairman of the House Judiciary Committee. As reported from committee, the bill contained a section making it mandatory to call a special election of a successor to fill out the unexpired portion of the presidential term if a vacancy were created ninety days or more prior to the regular midterm congressional election. Strong objection was voiced to this feature of the plan on grounds of policy as well as alleged unconstitutionality, and it was eliminated during consideration on the floor. Except as to this provision, there was slight opposition to the bill.

⁸ The President's special message was transmitted on June 19. On June 27, he announced the resignation of Edward Stettinius as secretary of state and on July 3 the appointment of James F. Byrnes as successor. Stettinius was an appointee of President Roosevelt, and his party status as a Democrat was somewhat vague. Byrnes was a "regular" Democrat, with extensive political experience. President Truman's suggestion of a change in the succession law was viewed in some quarters as a maneuver designed to meet the charge that the shift in the secretaryship of state was dictated by a desire to put a "safe" and-experienced party man in a position to succeed as president and party leader.

⁹ On March 14, 1946, the Senate passed Senate Concurrent Resolution No. 50, sponsored by Senator Green, Democrat, of Rhode Island, and Senator Smith, Republican, of New Jersey. The resolution would have set up a joint committee of five members from each house for the purpose of studying and making recommendations on "all matters connected with the succession to the Presidency and the election of the President and Vice President from the time of nomination . . . through the time of their election and the time of their inauguration until the termination of their respective terms of office, with the purpose of making the law certain as to the Presidential election and succession." *Cong. Record*, 79th Cong., 2nd Sess., pp. 2237-2238.

a result of the Republican victories in the 1946 congressional elections and the subsequent installation of a Republican speaker in the House and president *pro tempore* in the Senate of the Eightieth Congress. Nevertheless, President Truman continued to give public support to his original recommendations.¹⁰ On June 27, 1947, over strong Democratic opposition, the Senate voted through a bill similar in all but minor respects to the measure which the House had passed in 1945.¹¹ After most perfunctory consideration, the House of Representatives approved it by an overwhelming majority on July 10;¹² and on July 18 it was signed by the President.

The Presidential Succession Act of 1947¹³ follows in the main, but not completely, the suggestions advanced by President Truman in his special message on the subject. It provides that in case of the death, resignation, removal from office, or disability of the President, or his failure to qualify for office, the speaker of the House, upon resigning as speaker and as a member of the House, shall act as president when no vice-president is available. If there is no speaker, or if he fails to qualify, the president *pro tempore* of the Senate, upon resigning as president *pro tempore* and as a senator, shall act as president. An officer who becomes an acting president under these circumstances is to serve for the remainder of the current presidential term except (1) when he is acting as president because of the failure of a president-elect or a vice-president-elect to qualify for office, in which case a president-elect or a vice-president-elect who subsequently qualifies is to supplant the acting president forthwith; and (2) when the speaker or president *pro tempore* has become acting president by reason of the disability of an elected incumbent, in which case the removal of the disability will result in the displacement of the acting president by the elected incumbent. The subsequent selection of a new speaker who is able to qualify, however, will not cause a president *pro tempore* who has become acting president to be displaced.

If there is no speaker or president *pro tempore*, or neither of them qualifies for the office of acting president, the succession will pass to the secretary of state and then to other cabinet officers in the order previously provided

¹⁰ See his letter of February 5, 1947, to President *pro tempore* Vandenberg and Speaker Martin again endorsing his original plan. *Cong. Record* (current), 80th Cong., 1st Sess., p. 7853.

¹¹ *Ibid.*, pp. 7851-7874, 7931-7951. The bill, S. 564, was introduced and piloted through the Senate by Senator Wherry, Republican, of Nebraska. The vote on passage followed party lines quite closely, with 47 Republicans and 3 Democrats favoring the bill, and 35 Democrats opposing.

¹² *Ibid.*, pp. 8792-8807. The House vote was 365 to 11, with 10 Democrats and one Republican casting the opposing votes.

¹³ *Public Law 199*—80th Cong., 1st Sess.

in the Presidential Succession Act of 1886.¹⁴ A cabinet officer thus assuming the powers and duties of the president automatically resigns his departmental headship on taking the presidential oath of office; but his occupancy of the presidential chair will continue only until a speaker or president *pro tempore* is available and takes steps to supersede him. In no event would an individual not possessing the prescribed constitutional qualifications as to age, residence, and citizenship be eligible to serve as acting president; and in the case of cabinet officers, only those whose appointments have been duly confirmed, and who are not at the time under impeachment, would be eligible. Under the new act any individual would be required, on assuming the powers and duties of the presidency, to take the presidential oath prescribed by the Constitution; and he would receive the compensation ordinarily attaching to the presidential office during his period of service as acting president.

Committee reports on bills to establish the new plan of succession and supporting speeches made in the legislative debates stressed heavily the points made by President Truman in his special message in 1945 urging the change. He had insisted that it was "undemocratic" for a president to be allowed, in effect, to name his own successor by the appointment of a secretary of state and other cabinet officers; that anyone who occupies the office of president for any considerable period should hold it by virtue of election; and that, all things considered, the speaker of the House, by reason of having been elected originally to membership in the House by the voters of his district and subsequently to the speakership by his congressional colleagues, was the logical officer to be placed first in line after the vice-president. For similar reasons, the president *pro tempore* of the Senate, it was urged, should be placed ahead of cabinet officers in the line of succession.¹⁵

¹⁴ The new law includes in the line of succession the three cabinet officers (secretary of agriculture, secretary of commerce, and secretary of labor) whose posts were created after the passage of the 1886 law, and who consequently were not covered by its provisions. Under the National Security Act of 1947, the new secretary for defense is given the place in the line of succession occupied formerly by the secretary of war, and the secretary of the navy is dropped from the list. See *Public Law No. 253*, sec. 311, 80th Cong., 1st Sess. During Senate consideration of the Wherry bill, Senator Wiley, Republican, of Wisconsin, proposed an amendment that would also have included in the line of succession following the cabinet officers the "highest ranking military or naval officer of the United States." His amendment, which he explained was designed to meet a situation that might conceivably arise in the event of an atomic bomb attack on the seat of the government, was rejected. *Cong. Record* (current), 80th Cong., 1st Sess., pp. 7951-7952.

¹⁵ During consideration of the bill in the Senate, Senator Russell, Democrat, of Georgia, proposed an amendment which would have reversed the order of the speaker and the president *pro tempore* in the line of succession, giving the latter first place after the vice-president as in the 1792 law. The amendment was voted down,

Another point in support of the new act is that by defining the status of an acting president in more specific fashion than the 1886 law did, it clears up obscurities that might have caused trouble. While the succeeding officer will be styled "acting president," he will serve until the end of the regular term except in the two contingencies mentioned. In every case, he will sever all connections with the office by virtue of which he is elevated to the presidential office.¹⁶ The new law will eliminate the dangerously ambiguous provision of the 1886 law which placed in the hands of a politically sensitive Congress and a temporary president the responsibility for deciding whether a special election should be called to choose a successor, and, if one was called, whether the newly elected president should serve for a full four-year term or for only the remainder of the unexpired term. Furthermore, the contingency contemplated in the Twentieth Amendment in which neither a president-elect nor a vice-president-elect should be available at the beginning of a new term is dealt with.¹⁷ Finally, there is the point that one of the main considerations which led to replacement of the 1792 law by the act of 1886, *viz.*, the failure of the earlier measure to insure that a potential successor would be available at all times, has been practically eliminated since 1886 by changes in senatorial practice regarding the tenure of a president *pro tempore* and by the Twentieth Amendment, which gives a new Congress opportunity to organize and choose its presiding officers before an outgoing president's term has expired.

Considerable weight must be accorded these arguments in support of the new legislation. The 1886 law was undoubtedly imperfect, and it failed to deal clearly and fully with all of the questions and contingencies that might arise in connection with the succession. On the whole, however, it is questionable whether the new law represents any substantial advance-

55 to 31, after Senator Vandenberg, the incumbent president *pro tempore*, spoke emphatically against it. *Ibid.*, pp. 7946-7947.

¹⁶ The 1886 law did not require an acting president to resign his departmental headship. Rather, it seemed to be based on the theory that an acting president must continue to occupy the subordinate office which entitled him to assume the powers and duties of the presidency.

¹⁷ In 1941, the House of Representatives passed a bill introduced by Representative Kefauver, Democrat, of Tennessee, dealing with this aspect of the succession. It provided for temporary assumption of the presidential office by the speaker of the House, or by the president *pro tempore* of the Senate when a speaker was not available, if there were no qualified president-elect or vice-president-elect on hand at the beginning of a new presidential term. The Senate, however, failed to act on the bill. *Cong. Record*, 77th Cong., 1st Sess., pp. 3259-3261. Unlike the new Presidential Succession Act, the Kefauver bill provided that temporary assumption of the powers of the presidency by one of the officers mentioned should not require relinquishment of his congressional post; on the contrary, it provided specifically that he should resume it as soon as a regularly chosen president or vice-president should qualify.

ment toward a proper solution of the whole problem. Senator Hatch, of New Mexico, who led the fight against the bill in the Senate, was no doubt unduly pessimistic when he asserted that "the only thing the pending bill does . . . is to make out of the confusion which has heretofore existed throughout the years complete chaos . . . and . . . to transfer the line of succession from the present Secretary of State to the present Speaker of the House of Representatives";¹⁸ but there is a certain element of truth in his declaration.

Unquestionably the new act runs counter to the theory of separation of powers. Moreover, it embraces a theory concerning the succession which the framers of the Constitution themselves rejected.¹⁹ Although the Second Congress, in which sat several members who had served as delegates to the Convention, enacted the 1792 law placing the line of succession in the presiding officers of Congress, the arrangement thus made was strongly criticized at the time as contrary to the spirit of the constitutional plan,²⁰ and its intermingling of the legislative and executive powers was an important reason for its abandonment in 1886.²¹ The objection to the system of succession provided in the 1792 law made in connection with the impeachment of President Johnson is equally valid against the new plan.²²

¹⁸ *Cong. Record* (current), 80th Cong., 1st Sess., p. 7957.

¹⁹ The tentative draft of a constitution as it came from the Committee of Detail contained a provision designating the president *pro tempore* of the Senate as the officer on whom the presidency should devolve in case of vacancy. Later—after it had been decided that the president should be independently elected—objection was made to this provision on the ground that it would be impracticable and inconsistent with the idea of independence of the two branches of government. Eventually, an independently elected vice-president was provided for. Cf. James Madison, *Journal of the Federal Convention* (Scott ed., 1898), pp. 458, 613–614, 654–660, 663–680, 707–708, 756–757.

²⁰ The 1792 statute was adopted after a protracted struggle between the two houses. Dominated by Federalists under Hamilton's leadership, the Senate wished to have the president *pro tempore* designated as next in line. The House, under the influence of Jefferson's followers, insisted upon placing the succession in the heads of the executive departments, beginning with the secretary of state, who was at that time Jefferson himself. The House eventually deferred to the Senate's wishes when the speaker was placed in the line of succession following the president *pro tempore*, although the compromise was agreed to by the narrow margin of 31 to 24 in the House. Cf. remarks of Representative Monroney, Democrat, of Oklahoma, *Cong. Record*, 79th Cong., 1st Sess., p. 7012.

²¹ Hamlin, *op. cit.*

²² Under the new act, the speaker of the House will be directly concerned in effecting the removal of a president when he himself is the officer next in line to succeed. Senator Wade, of Ohio, president *pro tempore* of the Senate in 1868, participated as a member of the Senate when it sat as a court in the trial of President Johnson and voted to remove the President from office. See David M. DeWitt, *The Impeachment and Trial of President Johnson* (1903), pp. 390–393, 550, 553.

The contention that to permit the presidential office to devolve upon the presiding officer of the House is more "democratic" than to place it in the hands of an appointive secretary of state is also open to challenge. While the presiding officer of the House, and of the Senate as well, has achieved his place, first by direct popular election to a seat in Congress, and later through election to his post by his colleagues, it does not necessarily follow that he has thereby achieved a substantial claim to popular preferment as chief executive. The constituency which elects him originally to his seat in Congress is a small segment of the nation, and he is elected by it on the basis of his strength with the powerful groups and interests which dominate it. His rôle is primarily that of a pleader and advocate for his district or state. Elevation to the post of presiding officer is largely governed by considerations of seniority, knowledge of parliamentary procedure, and party fidelity. Democratization of the process of determining a president's successor would seem to be much more dependent upon the president's proposal to restore the special election device for choosing a new president to fill out an unexpired term, particularly if a substantial part of it remains, than upon designation of the speaker as his political heir and executor.²³ At any rate, public opinion polls showed no significant popular demand for a change from the 1886 plan, even after the issue had been brought to public attention by the President's message in 1945.²⁴

The new plan can be criticized, moreover, on the ground of constitutional unsoundness. One possible infirmity arises from the stipulation in the Constitution that the person named by Congress as a successor must be an "officer" of the United States. It is a debatable question whether a member of Congress is an "officer of the United States" in the sense in which the term is used in the section of the Constitution dealing with the

²³ During Senate consideration of the Wherry bill, Senator McMahon, Democrat, of Connecticut, proposed a substitute amendment which would have continued the 1886 law in effect, with modifications. Additional sections would have required the reassembling of the previously chosen presidential electors to elect a new president and vice-president to fill out an unexpired term in case the succession should reach one of the officers named in the statutory line, but only in the event that the vacancy should occur at least 120 days before the time for election of a new president and vice-president to a regular four-year term. The McMahon substitute was rejected without a roll-call vote. *Cong. Record* (current) 80th Cong., 1st Sess., pp. 7936-7937, 7949-7950.

²⁴ The American Institute of Public Opinion reported in March, 1947, that 41 per cent of those polled preferred to place the speaker next in line, as proposed by the President; 44 per cent favored the secretary of state, as provided in the 1886 law; and five per cent were undecided. See American Institute of Public Opinion, *News Release*, Mar. 17, 1947.

succession.²⁵ Even if the point be conceded that a member of Congress is constitutionally eligible to be named in the line of succession, further difficulty remains. The Constitution declares that no person holding "any office under the United States" is eligible to a seat in Congress.²⁶ This presents a dilemma for supporters of the theory of succession embraced by the new law. Although the Constitution does not require them to be such, the speaker of the House and the president *pro tempore* of the Senate have always been members of their respective houses, with all the powers and privileges that go with membership. Hence if the position of "acting president," as it is termed by the new act, is an "office under the United States," a speaker or president *pro tempore* must resign his seat in Congress and, consequently, his post as a presiding officer as well, upon assuming the status of acting president. If the position is not an "office under the United States" and the succeeding officer is permitted to hold it while still retaining his seat in Congress, there results a joining of the powers and duties of the head of the executive branch with those of a member of the legislative department—a result wholly repugnant to the constitutional theory of separation of powers.

In the 1792 law, Congress chose the second horn of the dilemma. In the 1947 law, it chooses the first and meets the constitutional obstacle by requiring a succeeding officer to resign his legislative posts. But in so doing it may have violated the Constitution in another way. The wording of the authorizing clause and the history of its origin reveal a rather clear intent on the part of the framers to enable Congress to determine to what office of the government the powers and duties of the president might be *temporarily annexed*, pending the selection of another president or the re-

²⁵ Limitations of space make it impossible to review the precedents and judicial decisions bearing on this point. It should be noted, however, that whether a member of Congress is an "officer of the United States" in the constitutional sense is not solely the issue in this instance. The new act makes the presiding officers of the two houses eligible for the succession because they hold the position of speaker or president *pro tempore*, and not because they hold seats in Congress. Hence the real issue is whether the incumbents of these positions are "officers of the United States." Furthermore, the empowering clause in section 3 of the Twentieth Amendment, upon which the new law rests in part, does not require the person designated to act as president in the contingency therein mentioned to be an "officer" of the United States. For an able exposition of the case against the constitutionality of the 1947 law on this and other grounds, see the memorandum prepared by the staff of Senator Hatch and presented during the Senate's deliberations. *Cong. Record* (current), 80th Cong., 1st Sess., pp. 7932-7936. Representative Michener, Republican, of Michigan, chairman of the House Judiciary Committee, received an opinion from Acting Attorney General McGregor on June 11, 1947, in which the proposed legislation was held to be constitutional. *Ibid.*, pp. 8792-8794.

²⁶ Art. I, sec. 6, par. 2.

covery of one who is unable to act.²⁷ An "acting president" would exercise, in addition to the powers of the office he holds, the powers and duties of the president. Continued occupancy of the office to which the powers of the presidency are temporarily joined is the *sine qua non* of the arrangement.²⁸ The new act entirely disregards this consideration.

Although the new legislation styles an officer succeeding to the presidency by its terms an "acting president," its other provisions belie this title. Congress has simply interpreted the authorizing clause as conferring power upon itself to create the posts of second vice-president and third vice-president and to attach these titles *ex officio* to the speakership and presidency *pro tempore*. When the reason for assumption of the office is the death, resignation, or removal of both the president and vice-president, a speaker of the House under the act of 1947 will—as does a succeeding vice president under similar circumstances—become the *president* for the remainder of the regular four-year term.²⁹ He will serve out the regular presidential term even though the term of congressional office which made possible his reaching the presidential chair has expired in the meantime. In its zeal to establish a more "democratic" system of succession, Congress has devised one under which it is possible to have a new variety of "lame duck" president for two years!

Perhaps the most serious criticism of the new act is that it is "piecemeal" legislation. It leaves unanswered many questions which can conceivably arise in connection with determination of the rightful occupant of the presidential office. How shall presidential disability be established?

²⁷ The clause which confers power on Congress to legislate on the succession was proposed by Edmund Randolph. His motion provided that the officer designated to act should serve "until the time of electing a President shall arrive." Madison objected to this phraseology, pointing out that it would "prevent the supply of the vacancy by an intermediate election of the President." He proposed a change to the language now found in the Constitution: "and he shall act accordingly until the disability be removed or a President shall be elected." James Madison, *Journal of the Federal Convention* (Scott ed., 1898), pp. 676-677, 708, 733, 757.

²⁸ Madison, in a letter to Edmund Pendleton shortly after passage of the 1792 law, which he opposed on various grounds, stated the point as follows: "Either they [the president *pro tempore* and the speaker] will retain their *Legislative* stations, and then incompatible functions will be blended; or the incompatibility will supersede those stations, and then those being the substratum of the adventitious functions, these must fall also. The Constitution says *what officers etc.* which seems to make it not an appointment or a translation; but an annexation of one office or trust to another office." *Writings of James Madison* (Hunt ed., 1906), VI, p. 95n.

²⁹ A vice-president, when assuming the powers and duties of the presidency because of the death of the incumbent, has come, by usage, to be recognized as "president," and not "acting president" as the Constitution would seem to imply. For a discussion of the origin and development of this usage, see Edward S. Corwin, *The President: Office and Powers* (rev. ed., 1941), pp. 53-55; Herbert W. Horwill, *The Usages of the American Constitution* (1925), pp. 58-87.

What shall be the procedure in the event that a presidential or vice-presidential candidate dies after the electors pledged to vote for him are chosen, but before those electors are able to cast their ballots for him? What shall be the procedure in the House or Senate if one of the eligibles should die when the choice of a president or vice-president devolves upon it? The manner in which these and related questions shall be settled should be determined by appropriate legislation or by constitutional amendment before an emergency situation involving them actually arises. It is unfortunate that revision of the system of succession was not made the occasion for careful study of all aspects of electoral procedure as well as the succession with a view to legislation clarifying all obscurities and supplying all omissions.³⁰ It is earnestly to be hoped that the passage of the new Presidential Succession Act will not become an excuse for abandonment or diversion of efforts now being made in Congress toward achieving this broader goal of constitutional amplification and clarification.

THE GOVERNOR'S VETO IN PENNSYLVANIA

M. NELSON MCGEARY

Pennsylvania State College

The veto power is well known as one of the primary sources of the strength of a governor. Especially in the 38 states which give their chief executives the right to reject items in appropriation bills, the governors have been able to mold legislation to their liking. In a few states, including Pennsylvania, the power to veto items has been expanded to include the authority to reduce any item. Probably in no state in the union has the veto been a more effective club in the hands of the governor than in Pennsylvania. A study of the veto record in Pennsylvania over the past eight years reveals the extent to which the governor's will has prevailed.

The constitutional provisions concerning the veto in Pennsylvania are not unlike those in a number of other states. The governor may, within ten days after the passage of a bill by the General Assembly, disapprove it. If he fails to act within that period, the bill, unless approved by the legislature just before adjournment, becomes law without his signature. In addition, he is given the power to veto individual items in appropria-

³⁰ In line with this approach to the problem, five minority members of the Senate Committee on Rules and Administration filed a minority report against the Wherry bill in which they urged passage of the Green-Smith resolution, *supra*, note 9, as a preliminary to any change in the succession law. Unsuccessful efforts to recommit the Wherry bill with this object in view were made during Senate consideration. See S. Rept. 80 on S. 564 and the *Cong. Record* (current), 80th Cong., 1st Sess., pp. 7938, 7948.

tion bills.¹ The legislature may override any veto by a two-thirds vote of all the elected members of each house. A bill which is passed during the ten days before the close of the session becomes law unless vetoed by the governor within 30 days after the adjournment.

During the period from 1939 to 1946 inclusive, the General Assembly passed a total of 2,174 bills. Arthur James, who served as governor from 1939 through 1942, vetoed 144 bills in their entirety, and also sliced off all or a part of 304 items in the appropriation bills. Governor Edward Martin (1943-46), a less ardent pruner, rejected 85 complete bills and reduced or struck out 49 appropriation items. The two governors together vetoed in their entirety ten and one-half per cent of all bills passed by the General Assembly. The detailed figures can be seen in Table I. It should be noted

TABLE I

	<i>Bills passed by legislature</i>	<i>Vetoed of complete bills</i>	<i>Items struck out of appro- priation bills</i>	<i>Items reduced in appropri- ation bills</i>
1939	545	71	5	183*
1940 (spec. sess.)	17	—	—	10
1941	496	68	15	85*
1942 (spec. sess.)	33	5	2	4
1943	494	40	—	16
1944 (spec. sess.)	7	—	—	—
1945	582	45	1	32
Total	2174	229	23	330

* Of the 183 reductions in 1939 and the 85 in 1941, a total of 204 represented decreases in appropriations voted to individual state-aided hospitals.

that the usual Pennsylvania political pattern prevailed during most of these years—the governor and the members of both houses of the legislature belonged to the same party. In 1941 and 1942, however, Republican Governor James was dealing with a Republican senate and a Democratic house of representatives.

For over twenty years, Pennsylvania has had an executive budget. A governor, armed with the Pennsylvania type of item veto, has full power to hold appropriations down to his budget figures. As a practical matter, of course, a chief executive may find it politically desirable to acquiesce in some of the legislature's suggestions for larger expenditures. Generally speaking, however, the governor's budget is enacted into law in much

¹ The expansion of the item veto to include the power to reduce items was approved by the state supreme court in *Commonwealth v. Barnet*, 199 Pa. 161 (1901).

the same form as originally drafted. In 1939, for example, Governor James presented to the legislature a budget for the biennium totaling \$377,171,000. The General Assembly, more generously inclined, added two and one-half per cent, bringing the total to \$386,290,000. But the governor cut it back to \$376,065,000, which was slightly under his originally suggested figure. Although Governor Martin did not enforce as rigid a budget on the legislature as did his predecessor, he nevertheless used the item veto effectively; in the 1945 session, for example, he slashed appropriations by \$21,808,000, or approximately four per cent of the amount passed by the legislature. It is interesting to note that, of the total amount of appropriations vetoed during the eight-year period of this study, about 78 per cent resulted from the reduction, not the complete rejection, of appropriation items.

Such reductions discourage the acceptance of responsibility by the legislature. When a legislator, even though opposed in principle to an appropriation, is reasonably certain that the governor will slice it down to more moderate size, he is tempted to bolster himself politically by voting large sums of money to a popular cause. Indeed, one may wonder that larger appropriation bills are not presented to the governor for his whittling. Table II compares the total budget and appropriation figures for each regular session of the legislature.

TABLE II

<i>Session</i>	<i>Total budget for the biennium</i>	<i>Amount passed by legislature</i>	<i>Amount vetoed by governor</i>	<i>Amount approved</i>
1939	\$377,171,000	\$386,290,000	\$ 10,225,000	\$376,065,000
1941	361,944,000	408,102,000	50,990,000	357,112,000
1943	345,335,000	383,399,000	1,695,000	381,704,000
1945	479,688,000	538,651,000	21,808,000	516,842,000*

* It is perhaps significant that, following the governor's approval in 1945 of appropriations higher than his suggestions, the budget estimates of income for the biennium 1945-47 were revised upward to a point which indicated that there would be no deficit in spite of the increased spending. The income revisions later proved entirely justified. Income more than matched expenditures also in the 1943-45 biennium, notwithstanding the governor's approval of appropriations ten and one-half per cent above the budget figures.

When vetoing items in appropriation bills, the governors customarily did not give detailed reasons, but often merely stated that their action was necessary "because of insufficient state revenue." When vetoing complete bills, however, the governors usually gave detailed explanations. The principal reasons for full vetoes can be classified under four headings: bill defective because of bad drafting, bill of doubtful constitutionality,

bill unnecessary or similar to another bill already signed, and bill generally undesirable in the opinion of the governor. Not infrequently, two of these reasons were listed in a single veto message. An analysis of the messages of Governors James and Martin shows that a major factor in 62 per cent of the full vetoes was the governor's judgment that the bill was undesirable. Only eight per cent of the vetoes were at least partially occasioned by the governor's doubts as to the constitutionality of bills. The number of defectively drafted bills appears rather high and may point to some carelessness on the part of the General Assembly. It should be noted, however,

TABLE III
GOVERNORS' REASONS FOR THE 229 VETOS OF COMPLETE BILLS

<i>Session</i>	<i>Bill poorly drafted</i>	<i>Bill unconstitutional</i>	<i>Bill unnecessary</i>	<i>Bill undesirable</i>	<i>Miscellaneous</i>
1939	12	9	13	42	4
1940	—	—	—	—	—
1941	9	5	9	53	5
1942	1	4	—	—	—
1943	7	—	1	24	8
1944	—	—	—	—	—
1945	7	1	6	24	13
Total (257)*	36	19	29	143	30
Percentage of the 229 vetoes	16	8	13	62	13

* This total is higher than the 229 bills vetoed because of the inclusion of two principal reasons in some veto messages.

that bad drafting was given as the sole reason for veto in only relatively few instances; in 21 of the 36 vetoes in which the governor declared bills defectively drawn, other grounds for rejection were stated.

The full significance of the veto authority of the governor of Pennsylvania is not apparent until it is understood that in practice the power is almost absolute. Only once in the present century has the legislature overridden a veto. A combination of circumstances has accounted for this record. The constitutional requirement of a two-thirds vote of all elected members of both houses is in itself difficult to meet. Only occasionally is any attempt made to meet it. A house of the legislature, when it receives a bill and accompanying veto message from the governor, usually lays it, rather perfunctorily, on the table, from which it never rises. Even though a bill may originally have passed both houses by unanimous vote—as not infrequently happens—rarely is any effort made to resurrect it. Only once in the period of this study was a motion offered to override a veto.

The bill, which would have amended the milk control law,² had passed the house by a vote of 200 to 0 and the senate by 46 to 2. The governor's veto was sustained in the house, however, by a vote, on the motion to override, of 115 yeas to 75 nays.

Because it passes most bills in the last few days of a session, the General Assembly completely precludes any legislative review of most vetoes. Such legislative procrastination is traditional. It was reported in 1924, for example, that "of the total number of appropriation bills and items which the [Pennsylvania] governors disapproved or reduced, ninety-eight per cent were disapproved or reduced in the thirty-day period" following the adjournment of the legislature.³

This last-minute activity on the part of law-making bodies is, of course, not unique to Pennsylvania. The mountain of unfinished business faced by most state legislatures at the end of a session has been one of the most pressing arguments for the establishment of legislative councils. It is of more than passing interest, therefore, to note that Pennsylvania's legislative council,⁴ although it has had a generally commendable record in its ten years of existence, has not had the effect of avoiding the log-jam of bills just before adjournment of the General Assembly. The record of the 1945 legislature is typical—of 537 laws enacted that year, only 183 were presented to the governor in time to receive his approval before the adjournment of the legislature; moreover, 42 of the governor's 45 full vetoes and all of his item vetoes were given after the close of the session. The total figures for the four regular sessions of the General Assembly during the period of this study show that only 14 of the 224 vetoes of complete bills and only 17 of the 337 vetoes of items in appropriation bills reached the legislature before adjournment. The legislature, in other words, is to a large extent responsible for conferring on the governor an absolute veto power.

The legislature, however, is not alone at fault for the scramble at the end of a session. Particularly with respect to appropriations, the law-makers sometimes are handicapped in getting down to business quickly because the executive budget is not presented to them sufficiently early in the session. For some years, the administrative code of the state provided that the governor should submit his budget "as soon as possible and not later than four weeks after the organization of the General Assembly." This deadline, however, was difficult for a newly elected governor to meet, since the constitution provides that the legislature shall convene on the first Tuesday of January, while the governor is not inaugurated until the third Tuesday of the same month. The administrative code was amended

² H. R. 124 of the 1941 session.

³ See Roger H. Wells, "The Item Veto and State Budget Reform," in this REVIEW, Nov., 1924, pp. 782-791.

⁴ The Joint State Government Commission.

in 1939, therefore, to require merely that the governor submit his budget as soon as possible. In actual practice, budgets have been presented as follows: 1939, February 27; 1941, February 3; 1943, March 1; and 1945, January 2.⁵

That the legislative machinery does not get into high gear early in the session, even when the budget is submitted promptly, is illustrated by the history of the general appropriation acts. In each regular session, one such bill includes roughly one-half of all the appropriations voted for the biennium. The bill of 1939, for example, was not referred to committee in the house until May 17 and was sent to the governor, by a vote of 195 to 0 in the house and 47 to 0 in the senate, on the final day of the session, May 29. Similarly, in the sessions of 1943 and 1945, both of which adjourned early in May, the general appropriation bills were not introduced before the middle of April. A general appropriation bill ought to be one of the first measures introduced in each session, and should be acted upon by both houses in time to permit legislative consideration of any item vetoes by the governor. The present procedure comes too close to complete control of the purse strings by the governor rather than by the legislative representatives.

The predominant rôle of the governor in the legislative process was further highlighted by the General Assembly's handling of the general appropriation bill of 1941. When this measure produced a conflict between the Republican senate and the Democratic house, the argument was tossed into the governor's lap for settlement. The senate, rather than send the bill to a conference committee and a probable deadlock, voted 32 to 0 to send it to the governor, who explained that "the senate has passed the bill, objectionable as some of its provisions are, in the same form as it was received from the house, and has left it to the governor's constitutional power to correct such conditions as it can."⁶

Realization of the potential power of the governor's veto weapon appears unduly to have tamed the legislators. The General Assembly must not allow itself to drift into a position of impotence. The lawmakers, at the very least, should better spread their work over an entire legislative session and thereby reclaim their right to consider executive vetoes.

⁵ The governor, who holds office for four years and cannot succeed himself, should have no real difficulty in meeting a deadline during the regular legislative session at the beginning of his third year in office. Thus, Governor Martin was able to submit his budget early in 1945.

⁶ *Appropriation Acts of the General Assembly*, 1941, p. 47. The House felt the sting of the governor's veto after it voted to appropriate to the department of commerce an amount 17 per cent less than the governor had recommended in his budget. Governor James retaliated by reducing the appropriations for both the department of the auditor-general and the treasury department to points 17 per cent below his budget suggestions; these were the only two departments headed by Democrats.

PUBLIC ADMINISTRATION

PUBLIC ADMINISTRATION IN THE ATOMIC AGE

ARTHUR W. BROMAGE

University of Michigan

I. IT COULD HAPPEN

On September 23, 19... , in Roscommon county in the Southern Peninsula of Michigan, the county clerk called the local officials together at the court house. Of the county administrators, the sheriff, treasurer, prosecuting attorney, circuit court judge, register of deeds, health and welfare administrators, and highway engineer were present. Many of the township supervisors had managed somehow to reach the court house in spite of the streams of refugees pouring northward from the destroyed industrial cities of southern Michigan. Already the county was bursting with new and unforeseen problems of public administration. The traffic jam on U. S. highway 27 from Lansing northward was something beyond the memory of the oldest living inhabitant. Near Houghton Lake, this traffic was jammed by another stream which had followed U. S. 23 northward from Saginaw and Bay City, turning inland at Standish by way of state highways 76 and 55 to connect with U.S. 27. The flight of stampeding and determined refugees was flowing like a river through the county seat of Roscommon and ever northward toward Cheboygan and Mackinaw City at the tip of the Lower Peninsula of Michigan.

"This meeting was called," said the clerk, "to discuss how we can handle this emergency. One of the state police officers who has been on reconnaissance with a deputy sheriff will tell us what we are up against in this area. For 36 hours our telephone and telegraphic communications with Washington and Lansing have been out. We are on our own and must make the best of a terrible emergency."

At this point a weary and dusty state trooper came forward and began to narrate slowly and doggedly. He said the roads were choked with cars, trucks, trailers, horse-drawn vehicles, and handcarts, from Lansing and Bay City northward. Detroit, Pontiac, Lansing, Saginaw, and Ann Arbor had been atom bombed. Everyone was scrambling to get out of the southeastern industrial region of the state. It was reported on the police radio net that Washington, New York, Chicago, and other cities had been hit. The country had taken a beating. The governor had escaped and had proclaimed martial law; national guard units were in motion and would take over the preservation of law and order. Disaster units of the American Red Cross were being rushed to stricken areas. Pending further orders,

the governor had instructed all county officials to meet and take necessary steps to provide for the streams of refugees pouring northward.

Already gas supplies were running out. The number of collisions and wrecks could not be estimated. Part of this toll was due to efforts to drive at night without lights through the blackout hours. Cars were stranded beside the highways. Families were seeking shelter in farmhouses, offering fantastic prices for food and water. In the Houghton and Higgins Lake areas looting had already taken place in the summer cottage colonies, for it was September and many of these places were vacant. Fights between refugees and natives had occurred in several villages when the former muscled their way into food stores and depleted the stocks. People were taking over unoccupied cottages or camping out in clearings and pastures. Thousands were in need of medical attention. Some had died and had been buried by friends and relatives in shallow graves by the side of the roads. The refugees were still in a state of panic. (As he spoke, the steady rumble of traffic moving northward could be heard.)

The priorities for action were: (1) the preservation of law and order; (2) issuance of emergency orders for the rationing of all food stocks; (3) reservation of remaining supplies of gasoline for essential governmental vehicles such as police, sheriff, fire department vehicles, and ambulances; (4) opening of all schools and churches for shelter; (5) setting up emergency hospital units; (6) establishing compulsory billeting in private homes and farm-houses; (7) closing of all liquor stores. The governor had instructed all county officials to deal with these problems through local regulations best adapted to local situations until the state administrative agencies could be reestablished and uniform instructions could be issued, with or without confirmation from Washington.

At this point the county clerk called for suggestions. . . .

Fantastic, incredible, the reader may say. The possibility is so remote that it is not worth while to plan for such an emergency! Only the scientist can give the answer as to the extent of probable destruction by atomic bombs. Only the course of international organization and international politics can give us the ultimate answer of war or peace, survival or destruction. If you could plan, how would you plan?

II. IT DID HAPPEN

In early May of 1945, the author was stationed in a remote village of France with Detachment E1F3, the Regional Military Government Detachment prepared to take over Bavaria in the inception of the occupation of Germany. Already in place in Munich, Detachment F1F3 signalled for reënforcement. A convoy of officers and men was made up to reënforce the Munich Detachment and to carry out reconnaissance on the status of civil administration in the state of Bavaria. Under my command, heavily

armed, and pursuant to orders, our convoy followed a route march from Saarbrücken to Mannheim, Karlsruhe, Stuttgart, Ulm, Augsburg, and finally Munich. No atom bombs had fallen, for the curtain did not rise on the atomic age until August, 1945. Yet German cities had been well pulverized by air attack with old-fashioned HE bombs and incendiaries. Würzburg and Nürnberg had been approximately 90 per cent destroyed. About 40 per cent of Munich lay in dreary rubble. In every city the fantastic shapes which ruin takes alerted the eyes and the smell of dead civilians lying in their city-wide tombs assailed the nostrils. We were seeing at first hand what Margaret Bourke White recorded so faithfully in *Dear Fatherland, Rest Quietly*.

The displacement of persons from Munich had transformed the *Hauptstadt der Bewegung* from a proud and fanatic city of 850,000 to some 400,000 bedraggled survivors moving like ghouls in the shadows of the ruins. Munich was "lucky," for electricity still came into the city from the grid, water still came from taps, and the sewers were reasonably "intact." No gas was available and the trams were not running. Looting was soon brought under control. The fire department still had personnel and equipment. Most of the Rathaus was still standing. People could find some kind of shelter in partially destroyed buildings. Enough of the city officials and employees had remained to form a core of administration, so that one of many key problems was denazification of those who remained on duty. As great cities take it in war, this was not a complete shambles. It can be worse when electricity is out, water supply fails, and sewers are completely disrupted. Judged by the standards of Cologne, Nürnberg or Würzburg, Munich was partially well off.

Würzburg was almost obliterated. A small ring of dwellings remained intact in the hills on both sides of the River Main. From a great distance the city seemed to be there, for the walls were still standing after the great fire fed by incendiaries and wind. In such a conflagration, walls and ashes remain. Once the holocaust is over, the survivors flee or take up residence in cellars like rats or in jerry-built structures like hoboes. One could drive through street after street of ruins. The remaining population seemed like pygmies when measured against the total task of reconstruction. A small band of ten men pulling down walls with ropes and hauling away débris with one or two trucks seemed to suggest fifteen years of effort.

In modern war, even steel assumes fluid shapes. Steel girders twisted into rounded loops remind one of his daughter's hair ribbons. Wherever looting occurs, it is "The Plough and the Stars" all over again. Perhaps you remember how in that great Irish drama by Sean O'Casey the tenants of the Dublin slums came forth with baby carriages and carts to loot while the heroes of the Easter-week rebellion, for a time, stood their

ground against the British. Gun-fire and destruction release some profound restraints which bind the social order together. However, in 1945, most Germans were fearful and obedient, searching for law and authority amid the shambles of their cities. They were amenable to: curfew; "freezing" of the population; restrictions on circulation; hand-outs of rationed food at the remaining or emergency food-shops; instructions to board up one or two rooms, cut wood and scrounge fire wood; and a hundred and one other "orders" which were suddenly plastered on walls or transmitted staccato over remaining radio stations. Rumor abounded. Newspapers no longer took want ads, but people learned to scrawl their needs for food and items on slips of paper which were thumb-tacked on the corner fence. For these needs they promised rare and old family treasures. So barter grew and black markets sprang into being. If steel can be twisted by war into unusual patterns, so can the lives of people be kinked, personalities disintegrated, social order badly strained, and public administration rent and torn. While the great mass remains subservient to a civil order which does not really exist except as a front of authority presented by a few local officials, lawless elements will always seize the moment to test out the civil and military power in the area.

In one sense, almost a natural law operates. The more a city is destroyed, the more population is killed or evacuated. When it is all over, a smaller administrative problem is left, at least in terms of numbers of people. For an emergency period, this population can be handled by strict orders and first-aid measures. Problems are accentuated when population drifts back into the area as the refugees return to reestablish residence. Then food and fuel, shelter and sanitation, become more acute. That is why French administrators wisely—for a time—prohibited refugees from returning to the bombed out towns in Normandy. In the first shock of war, people are not conscious of the long-run pull of reconstruction. The slump in morale which follows, as the bitter appreciation of tasks of reconstruction develops, does not appear immediately. Exhilaration from the rapid retrogression of events is matched with the elation of being still alive when so many did not survive. Some elements of the municipal administration—police, fire, public health, and public works—remain and give promise of order and reconstruction. The people do not know how baffled these administrators are and how little they are capable of at the moment.

In the rural areas, villages and small towns remain with less destruction. The individual farm-house is intact, and even war cannot destroy the bulk of the farmland. The rural peasant sows and reaps, war or no war. He is geared fundamentally to the seasons and more superficially to the fortunes of war and public administration. The rural people would make out reasonably well in war but for the shattered cities spilling the refugees over wide areas. Rural officials and mechanisms are rarely set up

to handle large-scale administrative problems without incessant instructions, orders, and supervision from the higher echelons of public administration. The German county officials knew how to carry on the routine of their units in accordance with previous patterns and new military government directives. But they were adjusted to looking to the *Regierungspräsident* of the administrative district and to the state government in Munich (to say nothing of Berlin) for policies and programs. Village populations were doubled and trebled by refugees. Local foodstocks had to meet indigenous demands, the needs of the refugees, the military government orders to supply rations to displaced persons. There was inevitably some friction between old established residents and the refugees.

The important "lesson" to be gleaned from the destruction of Germany in total war is that the higher echelons of public administration tend to be obliterated, while the local units of government carry on somehow or other under military orders. In Bavaria, during May of 1945 the state and administrative district governments were demoralized and disintegrated. First reconnaissance indicated that only city and county governments were operating under the immediate control of small American military-government detachments. The state and administrative district governments had ceased to exist. Buildings were blasted, records jumbled, and personnel in flight. In Munich, there was no Bavarian state administration. German civil administration had descended to the level of the county and the city. It took months to bring a semblance of order out of this civil administrative collapse. New officials had to be appointed; staffs had to be assembled; buildings and equipment had to be made ready. The state government was initially absorbed by its own housekeeping functions before it could begin to survey the total administrative problems of Bavaria. Denazification, a necessary and desirable process, punched holes in old staffs as they were reassembled and made the training of new personnel essential. Once a state government is all but obliterated, it takes months of the "impossible" to bring it into an operating, functioning condition. In atomic warfare, the possibility of wiping out the nerve centers of public administration seems to be even greater.

Matching first-hand knowledge of what happened in Germany against written accounts of the destruction of Hiroshima by atomic warfare can hardly be a scholarly exercise. My reactions after reading "A Reporter at Large" in the *New Yorker* for August 31, 1946, can be stated briefly for what they are worth. In Germany, cities were destroyed gradually, yet civil authority in the higher echelons of public administration ultimately evaporated prior to occupation or shortly before an area was overrun. Yet some semblance of public authority remained in cities and counties. In Hiroshima, the community was overwhelmed in a flash. The military units in the area, civil authorities, doctors, nurses, all of the agencies capable of

coping with disaster, suffered so many casualties themselves that the surviving civilians were suddenly placed on their own without authority or direction. Assistance had to be brought in from the periphery. The community had lost the capacity for local regeneration in the immediate future. While the community was preparing for old-style warfare by clearing fire lanes against possible spreading conflagrations from known types of air raids, the atomic era brought a new brand of doom.

The new world which we have brought into being by atomic warfare poses multiple problems for us in industrial locations, communications, and public administration. If there is a World War III, the United States must accept the inevitability of being within range of atomic bombs and guided missiles. Public administration must be adapted to known or possible eventualities. Every effort must be made so to organize and decentralize public administration at all levels as to promote the survival of civil authority.

III. REORIENTATION OF PUBLIC ADMINISTRATION

Atomic warfare requires decentralization of public administration. A planned attempt must be made to preserve the core of federal and state administrative personnel with capacity to control and direct in appropriate spheres of emergency action. All levels—federal, state, and local—must be surveyed with a view to planning for survival of administrative personnel and techniques.

Each community—not the city, but the actual community of city and satellite fringe areas—must have a more elaborate civil defense organization than that of World War II. In that already remote era, the emphasis was on the organization of police, fire, and utility personnel and civilian volunteers into a force capable of dealing with bombing incidents and resultant fires. Under air attack, England found that fire departments had to be nationalized. In the United States, the local communities under federal OCD directives organized for an attack which never came to our continent. The presumption was that no area could be overwhelmed in its defenses except by saturation bombing with HE bombs and incendiaries. With some exceptions in Coventry, London, and elsewhere, the English were able to handle "incidents" before they became conflagrations out of control. In the case of the atom bomb, the "incident" will be on no such scale. If a city of 100,000 can be virtually wiped out, or at least made untenable, by one bomb, it is clear that the entire local OCD force may also be destroyed.

This suggests that OCD organizations for the future should be based on a larger area than the city, possibly the county or groups of counties. Training should be reoriented from fire-fighting to techniques of entering atom-bombed areas, treating persons exposed to radio-active materials,

and controlling mass movements of people in panic and flight. Such an organization must be capable of handling the dead, wounded, and demented in an area having a radius of more than one mile from the point of explosion. That could mean 100,000 people in a densely populated city. It could be worse. It is fantastic, but this is the potential world in which we live. The local OCD will be obliterated or overwhelmed. A regional OCD based on counties or districts must be able to react to the crisis, moving in from the periphery. State units must be available to rush in support. Running cards must be developed like the running cards which city fire departments use to move equipment according to plan when second, third, and fourth alarms are sounded. Civilian defense must be expanded, regionalized, and redirected in preparation for explosions equivalent to 20,000 tons of TNT or more, with an aftermath of highly dangerous radioactivity.

Alert for atomic warfare will be a signal for mass evacuation of populations from cities. Only essential workers in industry, commerce, and supporting services, together with the necessary core of public servants to preserve order and turn the wheels of administration, will be left. Since millions of people will flee the cities anyway, plans must be made for orderly and controlled migration. The problems of evacuating population by the millions are many. (1) If the alert is not given before the first bombings, the chances for survival will be diminished; in any event, the first bomb or group of bombs will start mass movements either controlled or under panic conditions. (2) An allocation of priorities must be previously established: women and children first; men released from duty in the cities must assist in the evacuation. (3) Assembly centers must be created to process people out of the city with proper tagging for children and others as to name, residence, new destination. (4) Transportation by rail and auto convoys must be arranged and cannot be allowed to interfere with any necessary internal military movements. (In war areas, the army has all the priorities in rail and roads; civilians must do with what is left, even if it is an old bus and a secondary road.) (5) Reception centers must be arranged in new areas where shelter and food-stocks will already have been planned. (6) Compulsory billeting of refugees will be necessary in receiving areas. (7) Law enforcement, medical, food, shelter, and other problems will rise sharply in the receiving areas, and local administrative personnel must be ready to expand and to make appropriate use of volunteer services from among the refugees.

Mass evacuation is not a municipal and county administrative detail. It must be planned, organized, and policed by state authority, using local officials wherever possible. In the industrial Northeast, it transcends state lines. Federal planning and direction plus state and local operations are all called for if there must ever be American mass evacuations upon

threat of atomic warfare or actual hostilities. The planning and organization must be designed to encompass at least the seven phases listed above: alerts, priorities, assembly, transportation, reception, billeting, and public administration in receiving areas. Anyone who has witnessed the evacuation of London populations in the face of air raids and buzz bombs knows that evacuation is a complex of organization, procedural, and operational details.

If the state capital has been atom bombed and state administrative staffs decimated, the state will be ineffective at the most crucial juncture in administration. General von Epp understood this when he issued an order during April, 1945, dividing the staff of the Reich governor in Bavaria and sending one section to an isolated farmhouse south of Munich. After the occupation, this small staff, with tons of records, was still intact—although because it contained many Nazis it could not be used as an administrative core. Our state administrative staffs might well be divided into three sections: A, B and C. Each section should have a representative staff capable of dealing with all types of auxiliary functions such as budgeting, personnel, purchasing, and all types of line services such as police, highways, public health, and welfare. Section A could remain at the state capital, but sections B and C would be moved to previously designated remote areas such as Roscommon county, Michigan. Three alternative sections would give a better chance for survival. If one remained, it should be capable of operations within its own sphere of administration and some coordination of the efforts of county or regional OCD organizations. Fortunately, state police are already decentralized into substations. But there is a need for alternative command posts in the event that existing state police headquarters are bombed out. The idea is this: to plan for the survival of at least one nerve center of state administration. Reasoning from Bavarian experience, the farm-house echelon is a sound technique. In our states, we have many conservation camps and other state facilities in rural areas which might be temporary headquarters of "reserve" administrative sections.

At the federal level, decentralization has already taken place to some degree without reference to the atomic age. In August, 1946, fifty-five pages of print were required to list the regional offices of federal departments and agencies. To the layman, the federal government may be concentrated in Washington, D. C., but it also pervades the forty-eight states through field offices. However, as every one knows, these field offices of the various departments and agencies cover a wide disparity of regions. In the atomic age, what is needed is a number of federal-authority centers, with integrated control over all federal activities in a given regional area. Each of these federal-authority regions might well have a single administrator responsible for carrying on federal administration in

the area even though communications with Washington be severed. British experience in World War II led to the establishment of regional commissioners with a dual responsibility: to coordinate operations of central governmental agencies as to civil defense and to assume all powers of the central government in the event that the region were cut off from London by invasion or other war emergency. Accordingly, the concept of federal-authority centers is by no means remote or theoretical. Admittedly, it is a more complex and comprehensive administrative problem for us in the continental United States.

Our best chance for the survival of public administration rests in local self-government with an expanded and redirected Civilian Defense Organization and all reasonable precautions for the maintenance of federal and state civil authorities with residual powers of command and coordination. The only other major alternative would be to "let the Army do it" through the various Service Commands. But atomic warfare will find the Army well employed with duties other than looking after civilian populations. In war, the business of a civilian population is to support the Army, not to be a drain on Army operations, personnel, and equipment.

War is a great tragedy, but it is not averted by being unprepared for eventualities. There is still time to plan for federal, state, and local administration in the atomic age. If the plans need never be used, so much the better.

ESTABLISHMENT BOARDS IN THE FEDERAL CIVIL SERVICE

RANDOLPH J. JOUNO*

St. Paul, Minnesota

Legal Basis. On February 4, 1946, President Truman, by Executive Order 9691, further decentralized personnel administration to the departments and agencies. The order states: "In order to assure the maximum utilization, in the recruitment and placement of persons for the Federal service, of the field service resources of the departments and agencies, the Civil Service Commission, after consulting the departments and agencies concerned, may establish United States civil service boards of examiners in the field service, composed of officers and employees of the departments and agencies concerned." Boards of examiners are not new. The Civil Service Act of 1883 directs the Commission, "where examinations are to take place," to "designate and select a suitable number of persons, not less than three, in the official service of the United States, . . . after

* Assistant chief, Examining and Placement Division, Eighth U. S. Civil Service Region.

consulting the head of the department or office in which such persons serve, to be members of boards of examiners" The Commission "may at any time substitute any other person in said service . . . in the place of anyone so selected." Civil Service Rule IV, promulgated by an earlier President in accordance with the basic act states: "The Commission shall designate from among persons in the Federal service . . . such boards of examiners as it shall deem necessary. Their members shall perform such duties as the Commission may direct, in connection with the execution of the Civil Service Act and these Rules, and in the performance thereof they shall be under the direct and sole control of the Commission. Such duties shall be considered part of the duties of the office in which they are serving, and time shall be allowed therefor during office hours."

Kinds of Boards. As a consequence, two general types of boards were put into active operation: "local boards," to serve principally as information and examination-monitoring centers for a certain geographical area; and "rating boards," to recruit applicants and to rate applications (unassembled examinations) for trades and labor positions in federal establishments such as ordnance depots, navy yards, air fields, engineer districts, arsenals, and reclamation projects.

Most of the "local boards" were, and still are, located in the Post-Office Department. Each first- and second-class post-office has one. Examinations for positions in establishments which had "local boards" were rated by the Commission. The registers for some of these examinations, notably clerks and carriers in the post-offices and mess and hospital attendants in the Veterans Administration, were "decentralized" to the "local board" in order to expedite selection and placement. The secretary of the board certified eligibles in proper order and audited selections.

World War II prompted an extension of the functions of "local boards," particularly those in post-offices. Some of the post-office boards in war centers engaged in rating unassembled examinations and in certifying eligibles for lower-grade clerical, trades, and labor positions. Even those in smaller communities were frequently called upon to pass upon the eligibility of applicants for clerical, typing, and stenographic positions in war price and rationing board offices of the Office of Price Administration. Since VJ Day, however, "local boards" have concentrated on administering and monitoring assembled examinations as requested by the Civil Service Commission's central office, regional offices, or rating boards. At the larger post-offices, they maintain registers of eligibles for clerk and carrier positions and certify such eligibles. The secretary of the board is available to give information on civil service examinations, veterans benefits, etc.

World War II caused an expansion in the number and functions of "rating boards." Previously they had concentrated on unassembled ex-

aminations. During the conflict, many took on the conduct and rating of assembled examinations, particularly in the lower-grade clerical fields. The limits of the grades of the labor and trades positions for which they were authorized to recruit and examine were raised. The new program, directed by Executive Order 9691, calls for even greater expansion in "rating board" activities. These boards are now recruiting, examining, and certifying applicants in the professional, sub-professional, technical, scientific, and administrative fields and at the highest levels. Agency participation in recruiting and examining through the use of "continuing" and "panel" members drawn from subject-matter specialists is the key to the new concept. To emphasize this unprecedented delegation of authority, a change in the name of the type of board seemed appropriate. They are now generally referred to as "establishment boards," although the term "rating" has not completely disappeared and in the minds of some observers is a more accurate designation.

Functions of Establishment Boards. Establishment boards are, in effect, offices of the Civil Service Commission and are, therefore, under the direct supervision of the Commission's regional directors. They have power to issue examination announcements, conduct assembled and unassembled examinations, establish and maintain registers of eligibles, certify eligibles, audit selections in compliance with the Civil Service and Veterans' Preference Acts, authorize temporary appointments in the absence of registers, maintain necessary files and records, examine for promotion, reinstatement, transfer, and reassignment, and prepare reports to the Civil Service Commission's regional office. These activities are handled in accordance with standards and procedures issued by the Commission and its regional directors. Boards develop and recommend qualifications standards and tests, and they distribute their examination announcements directly to the secretaries of local boards in the area of publicity.

After receiving, from the Commission's regional office, approval of dates for assembled examinations, they notify the local secretaries at examination points, send admission cards to applicants, and distribute examination papers to local secretaries. Secretaries of local boards are expected to give the same service to establishment boards in distributing announcements, obtaining publicity, and in conducting assembled examinations as they do to the regional office. Assembled examination papers are returned to the establishment board from which issued, and establishment boards are empowered to reopen some examinations for ten-point veterans. When such an examination is of the assembled type, and is to be held in the city in which the board is located, it is scheduled by agreement between the establishment board secretary and the local secretary. The scheduling of an examination in another city is a matter which is referred to the regional office.

Organizational Pattern. The continuing board usually consists of three members. Large, complex, and cumbersome continuing boards should be avoided, as they have a tendency to slow up action and decision. One member is designated chairman, another is designated executive secretary, and a third is designated simply a member. If a physician is available, he may be added to render medical advice. Part-time examiners, known as panel members, are chosen as needed from employees of the establishment to assist in examining applicants for positions in specialized fields. Panel members rate papers only in fields in which they are proficient. Members are nominated by the head of the establishment and approved or disapproved by the Civil Service Commission's regional director. Membership in establishments operated by the military is generally confined to civilians.

If a board services more than one installation, it usually has more than three members. It is customary to select the chairman, executive secretary, and one member from the largest installation. Each of the other installations is then entitled to one additional member.

It is well to avoid placing heads and assistant heads of establishments, and personnel directors and assistant personnel directors, on boards—particularly in the capacities of chairmen or executive secretaries. Such relationships might lead to public criticism on the ground that the same individual is recruiter, examiner, certifier, and appointing officer. Any appearance of domination by the chief of the establishment or his personnel director in the examining and certifying process should be shunned. Independence of decision and action by the board is essential.

The chairman should be a top administrator drawn preferably from the organizational level immediately subordinate to the assistant chief of the establishment. He comes from top management in order to give the board proper direction and prestige. If possible, he should be the chief of the division having the most employees. From the very nature of his position in the establishment, he would have a general knowledge of, and an interest in, recruiting and hiring in the area. The other member should, like the chairman, be a high-ranking administrator from the division-head level. If possible, he should be the chief of the division having the second-largest number of employees.

Executive Secretary. The executive secretary is responsible for the execution of the administrative and clerical operations of the board. In small establishments, his is a dual position and the incumbent is generally chosen from among employees engaged in personnel work. Because the executive secretary actually directs the day-to-day operations of the board, he assumes considerable importance in the eyes of employees of the establishment and the general public in the surrounding area. To them he is the board, and his position in the agency should be on a sufficiently high level to command the respect of employees. In performing his execu-

tive secretary duties, he will then be given automatically the regard the position deserves.

In boards at establishments which have two hundred or more employees or in central boards which service a number of establishments whose total personnel amounts to two hundred or more, a full-time executive secretary position is strongly recommended; and this recommendation is based on the following considerations. Experience shows that the volume of board work involved in recruiting, developing standards and tests, examining, maintaining registers, providing current registers, certifying eligibles, examining for promotions and reassignments, and numerous other functions, absorbs the full time of one or more persons. In performing his agency duties, a dual secretary reports administratively and functionally to some official in the personnel department. It is, therefore, difficult for him and his supervisor to regard him as under the functional supervision of the Civil Service Commission's regional director in the performance of Commission activities.

A dual secretary generally considers his agency duties as the more important and the more pressing. This natural attitude is accentuated when one already on an agency job is given the added assignment of secretary. He views the Commission's functions as a secondary responsibility, thus relegating the recruitment and examining program to the background. He is likely to perform these functions only when he feels that time permits. His supervisors tend to continue the assignment of agency duties without regard to the multiple civil service responsibilities.

Problems of identification, space, and location are also complicated. The dual secretary generally identifies himself to fellow-employees, supervisors, and the public by his agency title. Failure to identify his office or desk as that of the secretary frequently results. He tends to use his agency title in correspondence. His telephone number is listed only under his agency title. The location of his office or desk is governed by his agency functions rather than his accessibility to applicants interested in civil service examinations. Fellow-employees and the public find it difficult to differentiate between the agency and the Civil Service Commission activities of the secretary. The numerous papers and documents incident to board work require adequate filing equipment. Many of them are of a confidential nature. Efficiency of operation requires that the board files be separated from those of the agency and maintained as a distinct unit. With a part-time secretary, there is a tendency to combine or even interfile Commission files with those of the agency.

The allocation of full-time executive secretary positions is expected to be commensurate with the duties, responsibilities, and prestige of the position. Allocation standards have been published for grades CAF-9 (\$4,149 yearly) through CAF-12 (\$5,905 yearly) only.

Identification. The board should be viewed as a distinct organizational

entity within the establishment. On the establishment's organization chart, it should be dignified with a box of its own on the division level, i.e., on the line immediately below that of the head of the establishment. An unbroken line running from the board's box to the one listing the head of the establishment should appear. This shows the board's administrative relationship to the rest of the organization. The chart should carry a dotted vertical line running upward from the board's box to a box listing the Civil Service Commission's regional director. This shows functional direction by the regional director.

It follows that the board should be a separate physical entity located near the personnel office. Care must be taken to avoid identifying the board's office with the personnel division or one of its subdivisions, since the board is a functional arm of the Civil Service Commission. In a board which has a full-time clerical force, this staff should not be considered a part of the personnel division. Even in those small establishments where the board has no full-time executive secretary or staff, the distinction between board operations and agency operations must be clear. In performing Civil Service Commission functions, the board members and all clerks temporarily detailed to the board should take care to identify themselves as the board rather than agency representatives. If the establishment appears to subordinate the board's office to the personnel division, public criticism may result on the ground that the board is operating as a part of the personnel office rather than as a part of the Civil Service Commission. The location of the board's office, i.e., the office of the executive secretary, should be publicized so that applicants may be directed where to file applications. Appropriate signs properly placed facilitate identification. Boards use their own letterheads. The board's telephone number is listed in the city and establishment directories. Correspondence, including telegrams, concerning matters over which the board has jurisdiction is signed by the executive secretary in his capacity as executive secretary and not by the head of the establishment or personnel officer or some other official representing the agency solely. When a board is deactivated, its files, including such items as applications, examination papers, registers, certificates, correspondence, index cards, and handbooks, are forwarded to the Civil Service Commission's regional office. The board files should, therefore, be maintained separately from those of the agency.

Mail of all types addressed to executive secretaries is considered Civil Service Commission correspondence. Some of the material is extremely confidential, e.g., appeals, examination material, rating schedules, rating keys, and qualifications questionnaires. It is, therefore, quite important that executive secretaries see to it that their mail is not opened by some central mail unit in the agency. The same principle applies to outgoing

mail. All outgoing mail should be sealed in the board office. Safeguarding the confidential nature of board correspondence is particularly important in relation to character investigations and temporary appointments pending examination and certification. Character investigation is part of the examining process. There must be an unhindered, unreviewed, and direct channel of communication between the executive secretary and the Civil Service Commission's regional director. Embarrassing leaks in the central mail unit must be avoided.

In carrying on the rating procedures for both unassembled and assembled examinations, boards are expected to centralize the point at which examiners, examining clerks, continuing members, and panel members work. Panel members or others may not remove papers from the central location to their agency offices. The executive secretary is expected to have control over the papers at all times. When panel members and others are called upon to rate, the executive secretary arranges for a suitable room so that control of applications and examination papers is facilitated. This arrangement also prevents interruption of the rating process while the raters are assembled for that purpose.

Present and Future. When the expanded board program was evolved, the central office of the Civil Service Commission issued instructions and policies broad in nature. It was expected that in all agencies the more detailed organizational patterns, procedures, and controls would be worked out between the appropriate Civil Service Commission regional director and the heads of agency field offices under his jurisdiction. At this writing, a small number of agencies have not seen fit to decentralize to their field offices authority commensurate to that delegated by the Commission to its regional directors. In some agencies, the central offices are retaining minute controls over the boards that are in operation. A few central offices have insisted upon organizational patterns peculiar to their own agencies. The patterns are not in direct conflict with the one described earlier in this article, but by the requirement of additional members such as the heads of all divisions and minute classification of members into various categories, they make organization unnecessarily involved and cumbersome. In one instance familiar to the author, the board consists of sixteen members. If each agency were to develop its own complex organizational pattern, the difficulties incident to training, control, and operation would increase. Uniformity and simplicity of organization across agency lines is desirable.

A few central offices are retaining the development and final approval of qualifications standards and rating schedules on the Washington level, i.e., by negotiation between the agency's central office and the central office of the Civil Service Commission. This has unfortunately delayed the examining program in these agencies. Civil Service Commission re-

gional directors are unable to develop such standards and schedules in conjunction with heads of field establishments as was originally intended. The boards in these agencies must wait for the receipt of approvals by individual classes of positions before they may announce examinations. Unevenness of the supply in the varied labor markets throughout the country, and the possible need for different standards to meet peculiar situations, make it difficult to satisfy the demand for uniformity of standards and rating schedules. Participation by central offices and field offices is healthful, but it should not be permitted to delay the probational examining program. All boards should have direct communication with the regional Civil Service Commission office and have power to act on decisions made by the regional director without waiting for clearance from the central office of the agency. The order in which examinations should be scheduled can be determined best by those on the spot.

One agency has suggested that certain cases such as those rated ineligible and those that deal with eligibility at the level of division chief and above be referred to its central office for rating. This procedure is in conflict with the concept of decentralization. It restricts the authority of the board and the Civil Service Commission's regional director. Such positions are under the examining jurisdiction of the regional director. His supervision and control are impaired when ratings are handled outside of the region by persons who are not members of the board of examiners.

One agency contemplates uniform work reports to be submitted by the boards to the Civil Service Commission and the agency central office. This is a problem, however, that can be worked out better by the Commission's regional director and the boards in his region. The desirability and need for boards to make detailed reports to their central offices is questioned.

In those agencies which have decentralized fully, the board program is proving eminently successful. The benefits accruing from complete decentralization—particularly expeditious action in recruiting, examining, and placement activities—are becoming increasingly apparent. Through boards, operating chiefs are assuming responsibility for more of the personnel phases of management. Agencies which have been somewhat cautious in delegating the maximum degree of authority to the field have probably acted so in order to observe the effects of the full program in other agencies. They can be expected to reduce central office controls to a desirable minimum in the not too distant future.

INTERNATIONAL AFFAIRS

RELATIONS BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL LABOR ORGANIZATION

JOHN H. E. FRIED
International Labor Office

The International Labor Organization (hereafter referred to as "I.L.O.") took the first steps toward establishing relations with a new organization which would replace the League of Nations in the spring of 1944. The 26th Session of the International Labor Conference, which met in Philadelphia in April-May, 1944—the first regular session held since 1939¹—adopted a resolution requesting the Governing Body of the International Labor Office "to take appropriate steps to assure close collaboration and full exchange of information between the I.L.O. and any other public organizations which now exist or may be established for the promotion of social and economic well-being."²

Acting on this recommendation, the Governing Body of the I.L.O., at its session of May, 1944, a few days after the close of the Philadelphia Conference, appointed a delegation composed of nine members of the Governing Body, its chairman, and the director of the International Labor Office, and authorized it to negotiate with any international authority in regard to the Organization's relationship to other international bodies. In January, 1945—still prior to the San Francisco Conference—the Governing Body reaffirmed the I.L.O.'s desire to be associated with the contemplated general international organization, "while retaining for the International Labor Organization the authority essential for the discharge of its responsibilities under its constitution and the Declaration of Philadelphia."³

At the invitation of the United States Government, the I.L.O. was

¹ Owing to the war, the regular yearly sessions of the I.L.O. could not be held in the years 1940-43 inclusive. The "Conference of the International Labor Organization" held in New York and Washington, D. C., in October-November, 1941, while giving the forty-one member states which were able to attend an opportunity to discuss matters of interest to the I.L.O., was not a regular session.

² International Labor Office (Montreal), *Official Bulletin*, Vol. XXVI, No. 1, June 1, 1944, pp. 89-91.

³ Information Service, International Labor Office, *The Relationship of the International Labor Organisation and the United Nations*, Aug. 14, 1946, p. 3. The "Declaration of Philadelphia" to which the resolution refers is the "Declaration Concerning the Aims and Purposes of the International Labor Organization" (*Official Bulletin*, Vol. XXVI, No. 1, June 1, 1944, pp. 1-3) adopted by the 1944 (Philadelphia) session of the International Labor Conference.

represented at San Francisco by a consultative delegation. The position of the I.L.O. within the new framework was discussed at some length at the Conference. The United Kingdom delegation proposed that the Charter of the United Nations should formally recognize the I.L.O. as the agency which would be primarily concerned with promoting "improved labor standards, economic advancement, and social security."⁴ However, representatives of other countries, while prepared to recognize the I.L.O. as the agency primarily responsible for promoting improved labor standards,⁵ thought it inappropriate to single out any particular organization for mention in the Charter itself. Thereupon, the United Kingdom delegation withdrew its suggestion.⁶ In the words of the director's report to the 29th (1946) session of the International Labor Conference, "no declaration was made by the San Francisco Conference that the I.L.O. would be one of the international agencies to be brought into association with the United Nations. This situation . . . aroused considerable concern."⁷

Confronted with this situation, the Governing Body decided immediately (in June, 1945) that the Organization should continue to seek the fullest coöperation of all the united nations, and should proceed with the task of framing constitutional amendments designed to provide the necessary links with the U.N.⁸ When the International Labor Conference met for its next (27th) session in Paris in November, 1945, the I.L.O. received expressions of support from the American,⁹ British, French, and other delegations from Europe, Africa, North and South America, China, India, Australia, and New Zealand.¹⁰ Nevertheless, to quote again the director's report, "the Paris Session of the Conference was preoccupied by

⁴ U.N.C.I.O., *Proposed Amendments to the Dumbarton Oaks Proposals*. Doc. 157' II/3/5, pp. 10, 14. Trades Union Congress, *The New World Organization for Peace and Security, United Nations Charter* [Supplement to "Labour," Aug., 1945] (London, 1945), p. 23.

⁵ L. M. Goodrich and E. Hambro, *Charter of the United Nations; Commentary and Documents* (Boston, 1946), p. 197; see also Great Britain, Foreign Office, *A Commentary on the Charter of the United Nations*, Cmd. 6686 (London, 1945), p. 10.

⁶ *The New World Organization . . .*, *ibid.*

⁷ International Labor Conference, 29th Session, 1946. *Director's Report*, p. 75.

⁸ Information Service, *l.c.*, p. 3.

⁹ The head of the United States delegation, Miss Perkins, declared: "I am instructed to make clear to you without the possibility of doubt that the U.S.A. intends to continue wholehearted participation in the work of the Organization," and added that President Truman had asked her "to reaffirm" without equivocation "that it is the settled policy of the U.S. government to seek for the I.L.O. a proper place within the framework of the coöordinated effort of the United Nations." (Quoted by Mr. Phelan, director-general of the International Labor Office, in his reply to the debate on the director's report on Nov. 2, 1945; International Labor Office, *The I.L.O. and the United Nations* (Montreal, 1946), p. 5.

¹⁰ *Ibid.*

the absence of any specific provision for relationship with the U.N. Fears were expressed by some delegates that the Economic and Social Council might supersede the International Labor Organization, or so exercise its powers of coördination as to diminish the Organization's freedom of action within its proper sphere." But "other delegates expressed the view that the coming into existence of the Economic and Social Council, far from weakening the I.L.O., would reinforce it. . . . The general view was, briefly, that the I.L.O. should be confident but not complacent; that it should . . . remodel and re-equip itself in order to discharge with enhanced efficiency its responsibilities, and should take all possible steps to facilitate the establishment of a close relationship with the U.N."¹¹

Here, some remarks are in order concerning the changes in the constitution of the I.L.O. (which formed Part XIII of the Treaty of Versailles¹² and established certain ties between the I.L.O. and the League of Nations) in connection with the disappearance of the League of Nations¹³ and the establishment of relations between the U.N. and I.L.O.

The desirability for the I.L.O. to "remodel and re-equip itself," i.e., to "review its existing constitution and practice in the light of its twenty-five years of experience" and in the light of the foreseeable changes in international organization, had been in the mind of the Governing Body as far back as 1943 when it decided to convene the 1944 Conference; that Conference examined various proposals for the revision of the constitution, and between the 1944 (Philadelphia) and the 1945 (Paris) sessions of the Labor Conference the discussion was continued by a "constitutional committee" of the Governing Body. At the San Francisco Conference, the I.L.O. delegation made the statement: "We realize that it will be necessary to alter the Constitution of the I.L.O. in order to provide the necessary links with the United Nations and we are also in course of examining the constitutional changes necessary to enable us to do our work better." When the International Labor Conference met in Paris in October, 1945, it split the work on the revision of the constitution as follows: it adopted three amendments dealing with (a) membership in the Organization, (b) finance, and (c) the future amending procedure of the constitution; and for the rest appointed a "Conference Delegation on Constitutional Questions" composed of six government, three employers' and three workers' representatives, which was to report to the next (fall, 1946) session of the Conference. Some important changes of the constitu-

¹¹ *Director's Report, l.c.*, p. 82.

¹² Identical Parts XIII, containing the constitution of the I.L.O., were inserted in the treaties of peace with Austria (Treaty of St. Germain-en-Laye) and Hungary (Treaty of Trianon).

¹³ Concerning the negotiations and agreements leading to the severance of connections between the I.L.O. and the League of Nations, see *Director's Report, l.c.*, pp. 76-82.

tion were, in fact, on the basis of the work of that Delegation and after careful consideration by the Conference itself, adopted by the 1946 International Labor Conference in Montreal. In the meantime, namely, by September 26, 1946, the amendments carried by the 1945 (Paris) Labor Conference had been ratified by the required number of member states and therefore came into force on September 26, 1946, while the 1946 Conference was sitting. For the present topic, it is interesting to note that although the constitution of the I.L.O. contained several references to the League of Nations, only a comparatively small number of changes were made prior to the negotiations between the U.N. and the I.L.O. (namely, at the 1945 Labor Conference); that these amendments had not come into force by the time the negotiations led to a full agreement; and that the greater portion of the amendments were adopted by the I.L.O.—to be submitted for the required ratification by the member states before they enter into force—after the agreement between the U.N. and the I.L.O. had been reached and, in fact, during the same session of the Labor Conference which ratified the agreement between the U.N. and the I.L.O. In other words, “the I.L.O. pursued, *simultaneously* with the negotiations with the United Nations, the task of remodeling its own constitution.”¹⁴

This has, however, brought us ahead of our chronological report. To come back to the Paris Labor Conference in the fall of 1945: the three changes of the constitution contained in the Instrument of Amendment, 1945, there adopted deal, as said before, with membership, finance, and the amending process of the I.L.O. constitution.

Concerning membership in the I.L.O., the constitution, prior to the amendment of 1945, contained only the following provision (par. 2 of Art. 2): “The original Members of the League of Nations shall be the original Members of this organization; and hereafter membership of the League of Nations shall carry with it membership in the said organization.” But, while this provision seemed to stipulate the principle of identical membership in the League and the I.L.O., in 1919 the admission of Germany into the I.L.O.—before her admission into the League—was discussed at some length in Paris even before the signing of the Versailles Treaty, and on October 30, 1919—one day after the opening of its first (Washington) session—the International Labor Conference, with the previous authorization of the Supreme Council, admitted Germany and Austria to membership in the I.L.O.¹⁵ At the same Conference, a sharp difference of opinion arose as to whether the claim of Finland to be ad-

¹⁴ *Director's Report, l.c.*, p. 85.

¹⁵ Harold B. Butler, “The Washington Conference,” in James T. Shotwell (ed.), *The Origins of the International Labor Organization* (New York, 1934), Vol. I, pp. 308–9. On “The Admission of the Central Powers to the International Labor Organization,” see Edward J. Phelan, in Shotwell, *l.c.*, pp. 259–282.

mitted could be dealt with by the Conference: those asserting the power of the Conference to admit that state pointed to the German and Austrian precedent, while those denying such power considered the German and Austrian cases as exceptions and stressed the principle of coincidence of membership in the I.L.O. with that in the League, allegedly contained in the above-mentioned paragraph 2 of Article 2 of the I.L.O.'s constitution.¹⁶ At the 1919 session, the matter was settled by a compromise which left the question open; but it was later answered in the affirmative, and it became well established that the Conference might admit as members of the I.L.O. states which were not members of the League of Nations¹⁷ (the outstanding example was the admission of the United States in 1934). In fact—although this never became a practical issue—the Labor Conference could have accepted a new member by simple majority, since the acceptance of such members was not among the items enumerated in the constitution as requiring a qualified majority.

By changing the old paragraph 2 of Article 2 and adding four more paragraphs to that article, the 1945 Instrument of Amendment makes the following distinctions: (a) states which were members of the I.L.O. on November 1, 1945: on that day, several states (including two ex-enemy states, Italy¹⁸ and Hungary) which are not members of the United Nations were members of the I.L.O. (new par. 2 of Art. 2 of the constitution); (b) any member of the United Nations which is not a member of the I.L.O. can join the latter by "communicating to the director of the International Labor Office its formal acceptance of the obligations of the constitution of the I.L.O." (par. 3 of Art. 2). Thus, in the case of these states, no action of the I.L.O. is required, their unilateral declaration being sufficient for acquiring membership in the I.L.O.; (c) the International Labor Conference, by a two-thirds vote of those attending the session, including two-thirds of the government delegates present and voting, "may also admit members to the Organization." "Such admission shall take effect on the

¹⁶ Harold B. Butler, in Shotwell, *l.c.*, pp. 309-311.

¹⁷ Cf. Morellet, "Le Bureau International du Travail," in *Repertoire de Droit International* (Paris, 1929); Mahaim, *L'Organisation Permanente du Travail* (Paris, 1925). The view that the Conference was not empowered to accept membership of states which were not members of the League was taken, particularly, by Ansilotti, in his minority report in the case of the admissibility of the Free City of Danzig to the I.L.O.—when the Permanent Court of International Justice decided that the Free City of Danzig did not qualify for membership because its external affairs were conducted by Poland, but expressly refrained from giving a decision on the power of the I.L.O. to admit new members which were not members of the League (cf. *Cour Permanente de Justice Internationale, Recueil des Avis Consultatifs*, No. 18, p. 19).

¹⁸ Italy was admitted by the 27th (Paris) session of the Conference on October 19, 1945 (International Labor Conference, 27th Session, Paris, 1945, *Record of Proceedings*, pp. 25-27).

communication to the Director of the International Labor Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organization" (par. 4, Art. 2). This procedure makes it possible to admit states as members of the I.L.O. which are not members of the U.N.

The constitution of the I.L.O., as laid down in Part XIII of the peace treaties of 1919, did not contain any provisions concerning the withdrawal of a member, the legal consequences of such withdrawal with respect to international labor conventions ratified by it, and its re-admission. The Instrument of Amendment stipulates that withdrawal becomes effective two years after the director of the I.L.O. has received notice of a member's intention to do so, "subject to the member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labor Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto" (par. 5 of Art. 2). Finally, the amendment provides that any state which has ceased to be a member of the I.L.O. can again become a member by either of the above mentioned two admission procedures, as the case may be (par. 6 of Art. 2).

As far as the financial position of the I.L.O. is concerned, the original constitution stipulated that all expenses of the I.L.O. and of the meetings of the Conference and the Governing Body (except travelling and subsistence expenses of delegates, advisers, and representatives to be borne directly by the member states) "shall be paid to the Director by the Secretary-General of the League out of the general funds of the latter," and that "the Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this" provision.

In contrast, the 1945 Instrument of Amendment stipulates that (a) "the I.L.O. may make such financial and budgetary arrangements with the United Nations as may appear appropriate" (new par. 1 of Art. 13) and that (b) "pending the conclusion of such arrangements or if at any time no such arrangements are in force," the expenses of the International Labor Office and, in so far as they fall upon the I.L.O., of the meetings of the Conference or the Governing Body, "shall be paid by the Director of the International Labor Office out of the general funds of the I.L.O." (par. 2(a), (b) of Art. 13); lacking arrangements between the I.L.O. and U.N. providing otherwise, "the arrangements for the approval, allocation, and collection of the budget of the I.L.O."—matters which were previously in the hands of the League—shall "be determined by the Conference by a two-thirds majority of the votes cast by the delegates present" (par. 2(c) of Art. 13). Irrespective of whether the financial and

budgetary matters of the I.L.O. are to be regulated independently of, or conjointly with, the U.N., "the Director of the International Labor Office shall be responsible to the Governing Body for the proper expenditure of the funds of the I.L.O." (par. 5 of Art. 13).

As far as the amending process of the I.L.O. constitution is concerned, the 1945 Instrument of Amendment left unaltered the power of the Conference to revise the instrument by two-thirds of the votes cast by the delegates present; but changed it by easing the requirements for making such a Conference decision effective, and this in two ways: previously, ratifications from "the States whose representatives compose the Council of the League of Nations and three-fourths of the Members" of the I.L.O. were needed before a change in the constitution, adopted by a two-thirds majority of the Conference, went into force. Now, the required number of ratifications is lowered to two-thirds of the members of the I.L.O., with the proviso that these two-thirds must include five of the eight members of the I.L.O. which are represented on the Governing Body as members of chief industrial importance" (Art. 36 of constitution).

Apart from making these changes in the constitution, the 1945 (Paris) Conference adopted a resolution which " . . . 3: confirms the desire of the I.L.O. to enter into relationship with the U.N. on terms, to be determined by agreement, which will permit the I.L.O. . . . to coöperate fully for the attainment of these ends, while retaining the authority essential for the discharge of its responsibilities under the constitution of the Organization and the Declaration of Philadelphia; and 3: authorizes the Governing Body of the I.L.O. to enter, subject to the approval of the Conference, into such agreements with the appropriate authorities of the U.N. as may be necessary or desirable for this purpose."¹⁹

Under the United Nations Charter, the "appropriate authority to enter into agreements" with specialized agencies is the Economic and Social Council. And almost immediately after that agency was set up by the General Assembly of the U.N. in London in January, 1946, it decided, during its first session, to appoint a "Committee on Negotiations with Specialized Agencies" and directed it to "enter into negotiations as early as possible with the F.A.O., the I.L.O., the International Monetary Fund, the International Bank for Reconstruction and Development, and U.N.E.S.C.O."²⁰

On the basis of informal consultations between officials of the Secretariat of the United Nations and officials of the I.L.O., a preliminary draft agreement was prepared for consideration by the Council's "Committee

¹⁹ International Labor Office, *Official Bulletin*, Vol. XXVIII, Dec. 15, 1945, p. 19.

²⁰ *Journal of the Economic and Social Council*. No. 12, Apr. 10, 1946, pp. 131-133; Internat. Lab. Conf., 29th Sess., Montreal, 1946, *Report II(2), Constitutional Questions*, Part 2, pp. 1-2.

on Negotiations" and by the I.L.O.'s "Negotiating Delegation." The latter Delegation consisted of Mr. G. Myrddin-Evans, chairman of the Governing Body, as chairman, three government, three employers', and three workers' representatives, and Mr. Edward Phelan, the director of the International Labor Office (whose title has, in the meantime, changed to "director-general"). The opposite Committee was composed of Sir Ramaswami Mudaliar, president of the Economic and Social Council, as chairman, and representatives of eleven united nations; its United States member was Mr. John G. Winant, former director of the International Labor Office. After two days' negotiation, a draft Agreement was signed on May 30, 1946—the first to be signed with a specialized agency.²¹ It was unanimously approved by the Economic and Social Council on June 21, 1946, by the International Labor Conference on October 2, 1946, and (with six abstentions) by the General Assembly of the United Nations on December 14, 1946. Pursuant to Article XX of the Agreement, it has been in force since that day.²² It may be noted that the parties to the Agreement are, on the one side, the I.L.O. and, on the other side, the United Nations, and not the Economic and Social Council alone—which, according to Articles 63(1) and 57(1) of the United Nations Charter, acted as representative of the U.N. in these negotiations.

*The Agreement between the U.N. and the I.L.O.*²³ The United Nations Charter does not place any limitation on the range of matters to be covered in the Agreements between the U.N. and the specialized agencies, apart from the fact that the inclusion of some items is suggested by the provisions of different articles of the Charter. However, on June 26, 1945, the day of the signing of the Charter, the San Francisco Conference established a "Preparatory Commission," consisting of one representative of each government signatory of the Charter, which was to function until the election of the Secretary-General; one of its tasks was to "examine the problems involved in the establishment of relationships between the

²¹ "It is appropriate that this was the first Agreement negotiated under Art. 57 of the Charter. The successful experience of the I.L.O. was the most important single factor in developing the new idea of specialized agencies. That experience proved the value of separate organizations, with a large measure of autonomy, operating as instruments of international coöperation in their specific fields." (Mr. Lie, in his address to the International Labor Conference on Sept. 25, 1946). (Internat. Lab. Conf., *Provisional Record*, 29th Sess., No. 7, p. 55).

²² A *Protocol Concerning the Entry into Force of the Agreement between the U.N. and the I.L.O.*, containing a short review of the steps which led to the coming into force of the Agreement, and stipulating that the English and French versions of the text of the Agreement should be equally authentic, was signed by Mr. Lie and Mr. Phelan on Dec. 19, 1946.

²³ The Agreement, dated May 30, 1946, is reprinted in *Report II(2)*, l.c., pp. 4-12, and in *Document E/49/Rev. 1* of the Economic and Social Council.

specialized intergovernmental agencies and organizations and the U.N."²⁵ The executive committee of this Commission drafted a document entitled "Observations on Relationships with Specialized Agencies,"²⁶ which lists a number of subject-matters for inclusion in the agreements between the U.N. and the specialized agencies (without, however, making concrete recommendations as to *how* these matters should be dealt with in the agreements). The Agreement concluded between the U.N. and the I.L.O. follows this list pretty closely.

First of all, the Agreement declares that "the United Nations recognizes the International Labor Organization as a specialized agency" (in the technical meaning of the term as defined in Article 57(2) of the Charter) "responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein," i.e., in the basic instrument of the I.L.O.²⁷ As said before, under the League of Nations system any change in the I.L.O. constitution had to be approved before it became effective, not only by three-fourths of the members of the I.L.O., but by all states represented on the Council of the League. In other words, any state represented on the Council could, by not ratifying a change in the I.L.O. constitution, "veto" such change even if unanimously adopted by the International Labor Conference and ratified by all other members of the I.L.C. and by all other states represented on the Council. But under the procedure introduced by the 1945 Instrument of Amendment, membership in any organ of the United Nations does not give an analogous prerogative. Instead, a change in the I.L.O. constitution, once carried by the required majority in the International Labor Conference, comes into effect when ratified or accepted by two-thirds of the members of the I.L.O., including five of the eight members of chief industrial importance.²⁸

²⁵ Goodrich-Hambro, p. 215.

²⁶ "Interim Arrangements concluded by the Governments represented at the United Nations Conference on International Organization, San Francisco, 26 June 1945," *Dept. of State Bulletin*, 1945, XII, p. 1142; reprinted in Goodrich-Hambro, pp. 379-380.

²⁷ Reprinted in Goodrich-Hambro, pp. 215-216.

²⁸ Of the sixteen governments represented on the Governing Body, eight must be "members of chief industrial importance." Concerning the selection of these eight states, the I.L.O. constitution, under the League system, provided that "any question as to which are the members of chief industrial importance shall be decided by the League of Nations" (par. 3 of Art. 7). The Instrument of Amendment, 1945, did not deal with this clause; the Instrument of Amendment adopted by the Conference in October, 1946—which is not yet in force—makes the I.L.O. autonomous also in this respect, substituting for the League of Nations, not the United Nations, but the Governing Body of the International Labor Office, and the International Labor Conference; it provides that, as occasion warrants, the decision as to which I.L.O. members fall into the category of "chief industrial importance" shall, after

Article II of the Agreement between the United Nations and the I.L.O. deals with reciprocal representation. It stipulates that representatives of the U.N. shall be invited to attend the meetings of the International Labor Conference and its committees, and other general, regional, or special meetings convened by the I.L.O., as well as the meetings of the Governing Body and its committees. The U.N. representatives shall "participate, without vote, in the deliberations of these bodies."

With respect to the right of the I.L.O. to be represented at United Nations meetings, the Agreement distinguishes between different types of meetings. In the meetings (1) of the Economic and Social Council, and of its committees and commissions, and (2) of the Trusteeship Council, representatives of the I.L.O. shall "be invited to attend" and "to *participate*, without vote, in the deliberations . . . with respect to items on their agenda in which the I.L.O. has indicated that it has an interest." Thus for the I.L.O. representatives to be entitled to participate in the deliberations of the Economic and Social Council, and of the Trusteeship Council, it is sufficient but necessary that the I.L.O. has "indicated" that it "has an interest" in any item on the agenda of these bodies; (3) with regard to the general Assembly of the United Nations, representatives of the I.L.O. shall (a) "be invited to attend" the meetings "in a *consultative* capacity" (irrespective of the agenda); (b) on questions which are "within the scope" of I.L.O. activities, the I.L.O. representatives "shall be afforded full opportunity for presenting to the General Assembly the views of the I.L.O."; and (c) whenever the General Assembly discusses the budget of the I.L.O., or general administrative or financial questions affecting the I.L.O., the I.L.O. representatives may do more than "present the views of the I.L.O." namely, may "*participate*, without vote, in the deliberations" (Art. XIV(5). Furthermore, the same right to be "invited to attend," and "to *participate*, without vote, in the deliberations," is granted to I.L.O. representatives in the meetings of (d) "the main committees of the General Assembly in which the I.L.O. has an interest."

Finally, without limitation as to topic or otherwise, the I.L.O. has the right to have "written statements . . . distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council" (Art. II, 6). The Agreement does not contain provisions concerning the number, or the method of selection, of the "representatives" to be sent by either Organization to the other's meetings.

Other close ties between the U.N. and the I.L.O. are created by the

consideration of the question "by an impartial committee," lie with the Governing Body, and that each member of the I.L.O. may appeal against such decision to the International Labor Conference. (Par. 3 of Art. 7 of I.L.O. constitution, according to Instrument of Amendment, 1946).

provision that the Governing Body of the I.L.O. shall be bound "to include in [its] agenda items proposed to it by the United Nations" and that, in turn, the Economic and Social Council, its commissions, and the Trusteeship Council shall be bound "to include on their agenda items proposed by the I.L.O." (Art. III). But the U.N. does not have the right to prescribe the inclusion of items on the agenda of the International Labor Conference, nor does the I.L.O. possess such right *vis-à-vis* the General Assembly of the United Nations. Apart from this principle, the prerogatives of the U.N. with respect to formal recommendations are, as might be expected, greater than those of the I.L.O. The I.L.O. agreed to submit to its appropriate organs, including the Conference, "all formal recommendations which the General Assembly or the Council may make to it"; "to enter into consultation with the U.N. upon request with respect to such recommendations"; and to "report to the U.N." on the results of the consideration of such recommendations. The I.L.O. also promised to coöperate "in whatever further measures may be necessary to make the coördination of the activities of the specialized agencies and those of the U.N.³⁰ fully effective" (Art. IV).

The Agreement provides for "the fullest and promptest exchange of information and documents" between the U.N. and the I.L.O. It pledges the I.L.O. to transmit to the U.N. "regular reports on [its] activities"; to furnish the U.N., on request,³¹ with "special reports, studies, or information" (Art. V); "to coöperate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security" (Art. VI). While this assistance to the Security Council is thus to be given by the I.L.O. through coöperation with the Economic and Social Council (Art. VI), the I.L.O.'s coöperation with, and assistance of, the Trusteeship Council is to be carried out without the intermediary of the Social and Economic Council (Art. VII).

³⁰ Even before the Agreement came into force, the I.L.O. submitted to the Economic and Social Council a resolution adopted by the regional American I.L.O. Conference in April, 1946, concerning a study to be undertaken in coöperation with various international agencies, of "the most efficient methods of facilitating the process of harmonious industrialization of the Latin American countries." See Third Lab. Conf. of the American States which are Members of the I.L.O., Mexico City, April, 1946, *Record of Proceedings* (Montreal, 1946), pp. 287-288.

³¹ If the I.L.O. has to incur "substantial extra expense" as a result of such request, or of other assistance to the U.N. or specialized agencies, "consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne." In turn, similar arrangements shall be made to cover expenses incurred by the U.N. for services, facilities, or assistance made available to the I.L.O. (Art. XV).

Direct relations are established also between the I.L.O. and the International Court of Justice. Art. 96(2) of the Charter of the United Nations stipulates that the General Assembly may, "*at any time*," authorize specialized agencies to "request advisory opinions of the Court on legal questions arising within the scope of their activities." Giving a liberal interpretation to the term "*at any time*," the General Assembly, under the Agreement, grants the I.L.O. a general authorization "to request of the International Court of Justice advisory opinions on legal questions arising within the scope of its activities"—with the proviso, however, that the I.L.O. must not ask the Court for advisory opinions on "questions concerning the mutual relationships" between the I.L.O. "and the United Nations or other specialized agencies" (Art. IX, 2).

The right of the I.L.O. to go directly to the International Court of Justice is one of the important innovations of the United Nations system. As long as the I.L.O. was connected with the League of Nations, it had, whenever it wished to obtain an advisory opinion of the Permanent Court of International Justice (which happened on six different occasions), to ask the Council of the League of Nations to transmit these requests to the Court. Now the I.L.O. has only to inform the Economic and Social Council of a request (Art. IX, 4).

We now come to the provisions concerning budgetary and financial arrangements. They can be divided into three parts. First, and as a general principle, "the I.L.O. recognizes the desirability of establishing close budgetary and financial relationships with the U.N." (Art. XIV, par. 1). Second, the two Organizations agree to "consult together concerning the desirability of making appropriate arrangements for the inclusion of the I.L.O. budget within the general budget of the U.N." If, in the course of such consultations, the two Organizations are going to agree that the inclusion of the I.L.O. budget in the U.N. budget is desirable, such agreement is to be laid down in a separate instrument. It may also be agreed, later on, that the U.N. collect, as the League of Nations used to do, the contributions from those members of the I.L.O. which are members of the U.N. (Art. XIV(2), (6)). Third, it is stipulated that, whatever the two Organizations may decide in the future, the I.L.O. "will consult with the United Nations" in the preparation of its budget and will "transmit its proposed budget to the U.N. annually at the same time as such budget is transmitted to its members. The General Assembly must examine the budget or proposed budget of the I.L.O. and may make recommendations to it concerning any item or items contained therein" (Art. XIV(3), (4)).

In other words—and always with the understanding that "the administrative operations of the U.N. and the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of coördination and uniformity with respect to these

operations shall be secured" (Art. XIV, 1)—the influence of the U.N. upon budgetary and financial matters of the I.L.O. is, for the time being, on the level of consultation, information, and recommendation: in the preparation of the budget, the I.L.O. must consult with the U.N.; it must transmit its proposed budget to the U.N.; and the General Assembly may, after examining the budget or proposed budget, make recommendations to the I.L.O. Otherwise, the autonomy of the I.L.O. in these matters is complete: the International Labor Conference is to "determine the arrangements for the approval, allocation, and collection of the budget"³²; the International Labor Conference may adopt the budget of the I.L.O. even before the General Assembly of the U.N. has examined it and has decided whether or not to make recommendations concerning it; the I.L.O. collects the contributions from its members; and it administers its own funds.³³

This again represents a significant change from the previous system. Before, "the budget of the I.L.O. formed part of the general budget of the League of Nations; it was voted by the Assembly of the League; the apportionment of the budget among the member states was decided by the Assembly; the contributions from member states were collected by the Treasurer of the League." Only from those member states which were not members of the League did the Director of the I.L.O. collect directly the contributions for which they were assessed.³⁴ To be sure, the Agreement between the U.N. and the I.L.O. contemplates that, later on, the I.L.O. budget may be included in a general budget of the United Nations. But, characteristically, such step, if taken, will be taken by mutual consent, and not unilaterally by the United Nations.

The tendency to consider the I.L.O., within its own realm of activities, as an equal, and the desire to harmonize and unify the operations of the I.L.O. and the U.N. by mutual consent, permeate the whole Agreement. For example, in it "the U.N. and the I.L.O. recognize that the eventual development of a single unified international civil service is desirable" and to this end agree to develop common personnel standards, methods, and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services" (Art. XI, 1). Similarly, the two organizations agreed to avoid, "whenever possible, the establishment and operation of competitive or overlapping facilities and services among the

³² Art. 13, par. 2(b), of the constitution of the I.L.O., as amended by the Instrument of Amendment, 1945.

³³ For a full discussion of these questions, see Internat. Lab. Conf., 29th Sess., Montreal, 1946, *Financial and Budgetary Matters* (Montreal, 1946), *passim*.

³⁴ *Ibid.*, pp. 3-7.

U.N. and the specialized agencies" and, "accordingly . . . to consult together concerning the establishment and use of common administrative and technical services and facilities" (Art. XIII, 1, 2). The relationship between the U.N. and the I.L.O. is characterized in the Agreement itself as "liaison"; it calls the arrangements "liaison arrangements." In Art. XVII, the U.N. and the I.L.O. express their "belief" that the Agreement "will contribute to the maintenance of effective liaison between" them, and "affirm their intention of taking whatever further measures will be necessary to make this liaison fully effective."²⁵

Whereas the Treaty of Versailles prescribed that the International Labor Office had to have its seat at the same location as the League of Nations, the Agreement provides as follows about the location of the I.L.O. headquarters (Art. X, 1): "The I.L.O., having regard to the desirability of the headquarters of specialized agencies being situated at the permanent seat of the United Nations and to the advantages that flow from such centralization, agrees to consult the United Nations before making any decision concerning the location of its permanent headquarters."

An analysis of the Agreement shows that no effort has been made to lay down definite rules about the distribution of work either between the U.N. and the I.L.O., or between the I.L.O. and other specialized agencies. Only with regard to statistical services, the United Nations is to act "as the central agency for the collection, analysis, publication, standardization, and improvement of statistics serving the general purposes of international organizations," whereas the I.L.O. is to serve "as the appropriate agency for the collection, analysis, publication, standardization, and improvement of statistics within its special sphere, without prejudice to the right of the U.N. to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world" (Art. XII, 2, 3). As to the relations between the I.L.O. and other specialized agencies or inter-governmental organizations, the I.L.O. retains its freedom—always, of course, within the framework of its own constitution, the United Nations Charter, and the Agreement with the United Nations—to negotiate and conclude agreements with them. The Agreement merely demands that the I.L.O. shall inform the Economic and Social Council of the nature and scope of any formal agreement of this type before it is concluded (Art. XVI).

Among the international organizations, the I.L.O. holds a special place

²⁵ It may be noted that the Agreement delegates to the Secretary-General of the U.N. and the Director-General of the I.L.O. the right to "enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two Organizations" (Art. XVIII).

because, while its members are states, its constitution is based on the principle of tripartite representation, i.e., representation of governments, employers, and workers. In this important respect, it differs from all other inter-governmental agencies, including the United Nations. As the number and the responsibilities of international organizations increase, a situation is emerging in which the relations between the various international organizations are bound to create problems similar to, and yet different from, the relations between states. These relations are, in turn, bound to influence the relations between the states themselves. In this respect, the I.L.O., in view of its particular tripartite structure, might have to play a special rôle.³⁶

³⁶ Both Mr. Lie, appearing for the first time at the International Labor Conference on Sept. 25, 1946, and Mr. Phelan, making his first address to the General Assembly of the U.N. on Dec. 14, 1946, stressed the importance of the tripartite structure of the I.L.O. Said Mr. Lie: "The U.N. does not possess the machinery to accomplish all of [the] objectives [set forth in the Charter] by itself. . . . In the case of the I.L.O., the U.N. looks to an Organization of proved efficiency, in which employers and workers as well as Governments are represented, to carry out one of the most important branches of this work." (Internat. Lab. Conf., *Provisional Record*, 29th Sess., No. 7, p. 55). Mr. Phelan declared: "We retain, as indeed it is in the interests of our joint effort that we should, all those fundamental characteristics of our unique tripartite constitution which have been our strength in the past and are the promise of our success in the future. But we shall operate under that constitution, not only to pursue those objectives which are properly within our sphere of action, but also in order to mobilize still greater support for the work of the United Nations of which we are now proud to be the recognized associate."

INSTRUCTION AND RESEARCH

POLITICAL SCIENCE IN THE UNITED STATES IN WARTIME*

CARL J. FRIEDRICH

Harvard University

I. POLITICAL SCIENCE IN AMERICA

The field known as "political science" is in many ways a peculiarly *American* discipline. Although it plays a minor rôle in some European universities, and none in the rest, this particular field of the social sciences is of great importance in the United States. Besides a mounting interest in the study of government on the undergraduate level in this country, there has been a steady growth of professional training for the public service in special schools of public administration and in international affairs and diplomacy, both closely related to and usually staffed in part at least by political scientists.

To the non-American inquiring as to the reason for this special development, no exhaustive answer can be given at the present time. But mention may be made of a number of factors which have contributed to this phenomenal and persistent growth. In the first place, political science, backed by the ancient tradition of Aristotle's *Politics*, has a central appeal to young men and women seeking an integrated and over-all approach to the "great society" of a free and intensely democratic people. The pride Americans used to take in their political "institutions," which was noted by many a foreign traveller, has in this age of democratic disillusionment found an uneasy refuge in academic study of the history of political thought and institutions. The well-known practical, or rather activist, tendency of American scholars has turned many an economist, such as John R. Commons, to legislative halls and thus has pushed the problems of government into the center of attention. Historians with similar propensities, like Charles A. Beard, came to enrich the work of political science.

But perhaps more important than these factors is the manner of teaching and studying law in American universities. In European universities, the faculties of law have from time immemorial been the training ground of public servants, and the works on politics written by professors of public law have been legion, ever since the great days of the natural law. There is

* This paper, originally written for a survey-volume projected by the American Council of Learned Societies but later abandoned, was intended primarily for foreign scholars interested in the field of political science. American political scientists, however, will find it a convenient summary. *Man. Ed.*

nothing like this to be found in American law schools, where the emphasis, even in the teaching of topics pertaining to the public law, is centered on the digesting and expounding of cases decided in the courts. The rare acumen and brilliant scholarship of American professors of constitutional and administrative law should not deceive us as to the almost complete absence of any Esmeins, Haurious, Max Hubers, Jellineks, and their like. It is characteristic that Hans Kelsen, after coming to the United States in 1939 and giving a series of lectures under the auspices of the Harvard Law School, is now teaching political science at the University of California.

Another special factor of considerable importance fertilizing the growing political science is the widespread interest in and support for governmental and administrative reform. Federal, state, and local government have been the focal point of such divergent efforts as the city manager movement, civil service reform, the movement for unicameral legislatures and biennial sessions, the movement for an executive budget, and the like. These and many other similar movements, either for changing existing institutions or for remedying the corrosive effects of corruption and patronage, are endemic in a democratic society and call for steady, intelligent, and well-informed buttressing by research and education of the public at large. Political scientists not only have played a leading rôle in these movements throughout their history, but often have become specialized as a result of being drawn into such practical efforts. The movement for regional and metropolitan planning is a very recent instance of the same general trend.

To these factors should be added the rising interest in international relations and world government which is such a marked characteristic of the thoughtful and informed general public in the United States today. This trend has been greatly intensified by the war and its aftermath, and is very marked among veterans now returning to the colleges and universities. It is a curious and somewhat puzzling fact that the isolationism prevailing among a majority of the American people before the war was itself an expression of a rising concern with international affairs, expressing itself in books and articles galore, both in scholarly publications and in the magazines of the general public. Both the *Atlantic Monthly* and *Harper's Magazine*, predominantly literary magazines two decades ago, are and have been for some time preoccupied with the kind of issues that are at the center of the social sciences, and more especially political science.

Among the many contributing factors, I should stress one other in these introductory remarks as vital, and that is the increasing attention given to "civics" in the high schools of the United States—an attention supported with much reasoned insistence in a report made in 1940 by the

Educational Policies Commission of the National Education Association and entitled, "The Education of Free Men in American Democracy." The central relationship of political science to the training of citizens in a democracy is high-lighted in a statement such as this: "The first responsibility of the teacher is to maintain a steadfast and informed loyalty to the values and processes of democracy, to the several articles of the democratic faith, to the interests of children and the cause of human freedom."¹ Is it surprising that we find a former chairman of the political science department called upon to head the program of "General Education" recently inaugurated at Harvard University? Or that an increasing percentage of college and university presidents are members of the political science profession? Or that the high schools of the country are going to make an increasing demand for trained men and women in the field of government?

In keeping with these general trends, there has recently appeared an increasing interest in "political" and "governmental" topics in adjoining fields of learning. Thus philosophy is now turning to "political" philosophy, economics to various fields of economic "policy" such as agriculture, social psychology to "political behavior" and "propaganda," sociology to "class structure" and "leadership," and social anthropology to comparable studies. These broadening tendencies are sound and healthy, provided they are held together by some common core of basic understanding of what Aristotle called "the master science." Such trends in any case represent a striking challenge to the modern political scientist which no one has more insistently called attention to than Charles E. Merriam in a series of comprehensive systematic works of which the latest and most ambitious is *Systematic Politics*. This common core can, we believe, be most readily preserved by a firm and constant emphasis in teaching and research upon the history of political theories, whether set forth in the manner of George H. Sabine and Charles H. McIlwain as a history of doctrines, a great "verbal discussion" on the rational plane, or within the framework of a cultural and institutional manifold expression of the non-, meta-, and irrational aspects of the great political ideologies of the past and present.

Beyond the history of political thought, the development of a central core of sound theory is perhaps the greatest need of American political science today. Its most obvious weakness in comparison with economics is the lack of interest of political scientists in the development of such an agreed foundation of theory. Much factual and descriptive reporting could effectively gain in perspective and significance if it were possible to test

¹ Educational Policies Commission, "The Education of Free Men in American Democracy" (Washington, D. C., 1941), p. 109. This same point is made in "Education for Citizenship," a report of the Regents' Inquiry (New York, 1938).

it by reference to such a basic core of theoretical tenets. On the other hand, it should be borne in mind that the nature of the material with which political science is concerned presents peculiar difficulties.

II. CURRICULUM, ENROLLMENT, AND STAFF

It is within this general frame that the work of political scientists in the years since 1939 should be considered. For although the war depleted the ranks of the profession very appreciably and reduced the student body to a small fraction of its prewar size, the general pattern of professional work went forward along the established lines of research and teaching. A great many political scientists served in important positions, both civilian and military, which gave scope to their specialized techniques and methods, such as administrative and personnel work, communication control and propaganda, planning and control of economic warfare and mobilization, price control and intelligence, and the widely ramified activities of international and diplomatic agencies of the government. Even the urgently needed administrative reorganization of the Army was drawn up by a regular Army officer who had taken his doctorate in political science shortly before the war in one of the leading universities. It is manifestly impossible at the present time to describe these many activities in which political scientists shared with economists, sociologists, historians, and other social scientists, or to evaluate their contributions. Such a task must await further study and extended research which will become possible only when materials now restricted are made available for critical analysis and evaluation.

In any case, while all this work went forward in connection with the war, the universities and colleges continued to teach most of the core subjects of a prewar university curriculum in political science, including political theory and its history, comparative, government, American government and politics, public administration, and international relations. The remarkable unity of the American people in support of the war was reflected in the fact that there were virtually no restrictions placed upon teaching or writing anywhere, and no cases of undue discrimination against men with foreign backgrounds teaching political science in American universities have been reported. This is especially noteworthy in view of the large number of German, Austrian, and Italian refugees teaching in American institutions of higher learning. Although marked differences of opinion developed over many topics, especially the problem of American relations with the Soviet Union and the problems of peace, successive meetings of the American Political Science Association did not fail to take up and bring out into the open the issues involved in these controversial subjects.

In a large number of institutions, political scientists were asked to par-

ticipate, and even to play a leading rôle, in novel war-time programs of instruction for the armed forces of the United States, more especially the Army Specialized Training Program and the Civil Affairs Training Schools to which a special section is devoted below. But at the same time departments of political science, along with other social sciences, utilized the relatively light teaching load, especially in the graduate field, to reconsider their entire offering and to draft plans for postwar changes and developments. Many individual variations and special activities are to be found in the large number of colleges and universities throughout the United States, from the one-man department of a small college to the large and diversified program of the great universities where a core department of political science may be flanked by special programs, schools, or institutes of public administration, international affairs, or regional studies, and re-enforced by special advanced degrees administered by committees composed of representatives of the several social sciences. The details of these arrangements can be learned only by studying the catalogues of the several institutions. But even a casual survey discloses a general trend during the period here under consideration toward closer collaboration between political science and economics and the other social sciences. It would be tedious to recite the list of special committees, institutes, and the like established; but the general trend is unmistakably toward greater coordination of the social sciences. After the vast amount of specialization and consequent departmentalization which characterized American scholarship in the last two generations, it is a healthy sign that a determination to re-integrate and a conscious effort at synthesis are making themselves felt throughout the world of higher learning. It is only natural that political scientists should not only participate in these efforts, but often play a leading rôle, since the study of politics and government, the great integrator of the community, begets a vivid sense of awareness of the inherent need for such a synthesis. Even amid efforts at the elementary level of college education, where a new trend toward "general education" is making itself felt in various (and sharply debated) forms, political scientists have taken a vigorous part in planning the new approaches, and are finding themselves in leading administrative positions in institutions with such divergent approaches as Chicago, Harvard, and Minnesota.

III. LITERATURE, RESEARCH, AND PUBLICATION

A list of books published since 1937, prepared for the Social Science Research Council and containing 400 items noted as outstanding in the general fields comprised within political science, clearly shows that work has gone forward in remarkably unbroken fashion in spite of war-time interruptions. To be sure, a good many of these books were the result of extended researches carried on before the war and merely brought to com-

pletion at this time. But the work of political scientists is now so intimately connected with the work of governmental agencies in the United States that a considerable output of writing is to be expected as a result of war-time experience and research. Anyone familiar with the applications for assistance received by learned societies, foundations, and university research funds is fully aware of this new crop of studies and impending publications. In short, political science research and publication have gone forward in spite of the war's interruption. The enormously increased interest in international organization and world government is bound to strengthen further this trend toward far-flung research.

It is worth mentioning in this connection that most of the leading periodicals in the field of political science continued throughout the war. The *American Political Science Review* was published by the American Political Science Association without any diminution and provided a continuing channel of professional communication, through article, survey, and book review, and many noteworthy contributions are to be found in its volumes from 1939 to 1946. Likewise, the *Political Science Quarterly* and the *Annals of the American Academy of Political and Social Science*, although by no means wholly, or even primarily, concerned with political science, in spite of their titles, carried on throughout the war and were useful. Other significant and valuable periodicals which managed to enrich the field throughout the long war years were the *Review of Politics*, the *Journal of Politics*, the *Public Administration Review*, and the *Public Opinion Quarterly*. The last two publications brought out noteworthy special issues devoted to problems of war-time activities of the government, such as those of the War Department and the Office of War Information; and these will be important sources for many years to come, because both of the subjects treated and the authors who collaborated. An important special field in which political scientists have always worked closely with historians and journalists is that of international relations, and in this area, too, periodical publications of international significance appeared throughout the war years, more especially the *American Journal of International Law*, *Foreign Affairs*, published by the Council on Foreign Relations, and *Pacific Affairs*, published by the Institute of Pacific Relations. A number of more popular journals in this field sprang up during the war and are making significant contributions, although admittedly written for the general reader. Also there are the often excellent pamphlets published by such organizations as the Foreign Policy Association. Even the literary magazines, such as the *Saturday Review of Literature* and the *New Yorker*, have lately contributed some outstanding writing in support of world government.

Among the temporary casualties of the war period may be mentioned the important *Journal of Social and Political Philosophy*, whose editor

went to war, and the annual, *Public Policy*. Several series of university studies maintained by departments of political science for publication of their outstanding doctoral dissertations also suffered serious curtailment if not a total eclipse of their output. This latter activity, however, has been resumed in most institutions, and the increase in graduate students returned from the war promises to compensate for the temporary decline.

Two major research enterprises of the political science profession carried forward with substantial funds provided by one of the foundations, namely, the work of the Committee on Government and the Committee on Public Administration of the Social Science Research Council, have each been the subject of a special report. The former of these reports was made in 1944 and contains a general survey of the field of political science as it has developed in the United States. The committee concentrated upon "research areas," which it sought to define by meetings and correspondence with many leading scholars in the field. The committee was assisted by a research committee of the American Political Science Association, which organized "panels" in comparative government, political theory, public law, and other subjects. If it was the original expectation of those concerned that "the most important area for political science research" would be agreed upon, or would somehow emerge from these extended consultations, that hope was not fulfilled. "Most of those who wrote, the committee reports, emphasized the need for research in their own fields." But the report is important in that it gives a "picture of the thinking of American political scientists generally."

The report on *Research in Public Administration* was made in 1945 and covers more than ten years of work of the Committee on Public Administration of the Social Science Research Council. The document is particularly significant as showing the rapid growth of this field of study and research. It is not possible to assess the range of influence of the Committee's work; that very important services have been rendered to political science and to the government of the United States, there can be little doubt. Teaching and research in public administration are unquestionably among the most dynamic and progressive in the United States today. The field is closely tied up, of course, with the vast expansion of governmental functions in American society. The Committee's report lays special stress upon the following fields of future inquiry and research: (1) international organization and administration; (2) federalism and inter-governmental relations; (3) legislative-executive relations; (4) relationships within the administrative branch, and more especially (a) relations between central, regional, and field offices, (b) inter-agency relations at the top level, (c) intra-agency relations among bureaus and functional activities, (d) relations in particular functional and professional fields, (5) over-all aspects of modern administration; (6) local government and administration; (7) fiscal policy and administration; (8) government and

the economic order; (9) administrative law; (10) civil and military administration; (11) comparative administration; and (12) the history of administration. This list seems certainly not to err on the side of narrowness. Nor is it easy to quarrel with the Committee in its conclusion that all these are important fields for future research.

Other important projects of research were undertaken by special foundations and agencies, both private and public. Space forbids individual mention of all these agencies, although a few will be touched upon briefly in the next section.

IV. ORGANIZATIONAL ACTIVITIES

In the United States, the leading organization in the field of political science is the American Political Science Association, with more than 4,000 members. As a part of its work, this association publishes the *American Political Science Review*. During the war, it served the government by assisting in securing professionally trained personnel. It also held a number of meetings and conferences, although the regular annual meetings had to be abandoned during 1942-45 because of shortage of travel facilities. In their stead, the Association held special meetings in Washington, where a substantial percentage of members of the political science fraternity were then concentrated.

Besides this organization of the profession in its entirety, there are active in the field a number of organizations which have either broader or more specialized concerns, such as the American Society of International Law and the Academy of Political Science. The annual meeting of the latter organization is devoted to a particular problem of public policy. The same is true of the American Academy of Political and Social Science, meeting regularly in Philadelphia. The steady progress of work in the social sciences, and more especially in political science, is, through the latter two organizations, projected outward into a wider circle of interested individuals and groups of citizens.

Among more specialized organizations, those in the international field are most numerous, and indeed are highly significant for the progress of political science in the United States. Among these, the most important are perhaps the following: the Carnegie Endowment for International Peace (Washington, D.C.), the World Peace Foundation (Boston), the Woodrow Wilson Foundation (New York), the American Council on Foreign Relations (New York), the American Institute of Pacific Relations (New York), the Norman Wait Harris Foundation (Chicago), and the already mentioned American Society of International Law (Washington, D.C.). All of these bodies are engaged in important activities, have held institutes and conferences, and have carried forward research, either by themselves or in conjunction with various government agencies. There is, unfortunately, a certain amount of duplication in the work of these bodies, but

this disadvantage is probably fully counterbalanced by the healthy spirit of competition among them.

Of the institutes held by the Norman Wait Harris Foundation in recent years, that of 1944, devoted to "Food in International Relations," was perhaps the most significant in terms of progress of research. Not so much the immediate significance of food as rather the functional focus of the topic brought to light a number of factors not ordinarily covered in such undertakings.

From a scholarly standpoint, the most challenging enterprise of the Institute of Pacific Relations is the study of Chinese society, under the direction of Dr. Karl A. Wittfogel, of which the first volume, *The History of the Liao Shih Dynasty*, is soon to be published. This coöperative venture by two sociologists, an anthropologist, and an historian will mark a great step forward in the understanding of the government of ancient China. A number of the works in the Institute's *Inquiry Series* have significantly contributed to studies of comparative government as well as to those of international relations. It may be noted in passing that many of the scholars in this general area of political science have received their start as a result of grants by the Institute of Pacific Relations. The Council on Foreign Relations, Inc., recently organized a series of parallel conferences on "Teaching and Research in International Relations" which, it is hoped, will significantly advance research in this vast area.

Another field in which special organizations seem to thrive is public administration. The over-all organization, founded in 1939, is the American Society for Public Administration, which is publishing the *Public Administration Review*. Associated with it are a considerable number of organizations of public officials in different fields, coördinated in some measure by the Public Administration Clearing House. These organizations, closely associated as they naturally are with the actual conduct of government, have, during the period under review, been preoccupied with two major tasks: defense and war, and reconstruction and reconversion. They have published certain key studies, and in conjunction with the American Municipal Association and the American Society of Planning Officials they elaborated the problems of planning for postwar needs. As a culmination of these activities, the Public Administration Clearing House in May, 1946, held a three-day conference of federal, state, and local officials, together with representatives of various private organizations concerned with housing, planning, and related subjects, to discuss the problems of land-planning and community protection.

More recently, the field of public opinion and propaganda seems to show signs of developing organizational activity of a specialized sort. The founding of the National Opinion Research Center at the University of Denver followed the organizing of the Institute of Public Opinion Re-

search at Princeton and of similar organizations at Columbia and Harvard. Until the outbreak of the war, the Institute for Propaganda Analysis (at Teachers College, Columbia University) was very active among teachers, whom it sought to assist in defending education against the inroads of organized propaganda. More recently, the Commission on the Freedom of the Press has been outstanding in this field, while radio research has been the focal point of annual meetings of the Institute on Education by Radio which have resulted in an important annual volume under the general title of *Education by Radio*. There exist a number of still more specialized organizations.

V. CONFERENCES

It is a striking feature of the increasing tendency toward coöperative research in the social sciences in the United States that there take place an ever larger number of conferences and institutes each year. Even the war did not stop the gathering together of scholars and others interested in a particular field, subject, organization, or program; and at times these meetings were closely related to the work being done by scholars in political science and administration in connection with the war. While such conferences usually represent a response to a genuine need for coördination and integration of activities in an age of increasing specialization, there is, nevertheless, some danger that too much emphasis may be placed upon mapping out research programs to be undertaken by others or by a staff whose duties are outlined in advance. Related to this is the danger of deflecting research from those problems which require acute insight and creative thinking, which in the end are the responsibility of the individual, and, instead, expending too great a proportion of effort and funds in comprehensive endeavors advanced by the application of methods designed to facilitate the collection of information on a large scale in relation to predetermined programs. In extreme cases, the method, or technique, employed may appear to be the absorbing consideration, rather than the nature and implications of the problem to be solved. How to strike a proper balance between individual and collective enterprise is here, as elsewhere, one of the most urgent issues of today, not only in research in the social sciences but also in practical government and world relations.

Anyone interested in a detailed list of these many institutes and gatherings can glean much of the information from the News and Notes pages of the *American Political Science Review*. They fall roughly into three classes: (1) regional and local meetings of political scientists in general (such as the Midwest Political Science Conference and the Southern Political Science Association), now taking place in many parts of the country; (2) meetings devoted to a particular subject of current interest or organizational concern, such as the Conference on Increasing the Effectiveness of American

Self-Government, held by the National Municipal League in 1939; (3) conferences addressing themselves to particular countries or regions. Something more will be said on the last of these in a later section of this article.

VI. TRAINING PROGRAMS DURING WAR-TIME

A very significant development foreshadowing important progress in political as well as other social sciences originated in a group of special training programs initiated by the United States Army and Navy in conjunction with overseas administrative tasks. In the Army, these programs became known as "area and language training" under the Army Specialized Training Program, and as "civil affairs training" under the Provost Marshal General's Office. Both programs—the first designed for enlisted personnel, the other for officers and civilian specialists commissioned for occupation duty—called for an integrated teaching of the language and institutions of a given area or people. Virtually the entire globe was encompassed in the instruction, although major emphasis was given, naturally, to Germany and Japan. The programs were of varying length, and a detailed analysis of them far transcends the scope of this paper. The aspect of special significance for the future development of political science is the extent to which an effective integration of the several social sciences was called for. Incidentally, these programs revealed appalling gaps in our knowledge of comparative institutions, particularly on the local level. It is perhaps not too much to say that some of the grave difficulties encountered in the occupation of Italy, for example, were the result of our glaring ignorance of the real functioning of local government in that country. But besides these obvious *lacunae*, there are methodological issues involved in the effective integration of the social sciences when it comes to delineating, analyzing, and interpreting a functioning culture or society as a whole. While anthropologists have some very important contributions to make in this field, their past studies have been so much focused on rather primitive schemes of social order that the highly abstract and rationalized patterns of modern society are inadequately comprehended within that framework of reference, illuminating as are the insights which their approach provides. Particularly some of the strictly "human" elements in the total equation of intercultural contact yield rich results in understanding if organized by competent anthropologists in collaboration with social psychologists, sociologists, and political scientists. The entire range of experiences suggested by the term "informal organization," which coincides largely with the so-called "realist" approach in political science that has been developing in recent years, proved of major value in dealing with such societies as that of Japan.

The number of research studies thus far resulting from this series of programs is small. The disturbed conditions in the world today are making

field studies and collaborative explorations well-nigh impossible. And yet, it is to be hoped that, before too long, teams of social scientists, including political scientists, will be setting forth into countries such as Germany and China to make detailed analyses of the complex patterns of government as they interact with each other. Explorations in the Soviet Union and elsewhere may follow. In passing, one special issue may be mentioned: the Army and Navy programs revealed a magnificent opportunity, as yet totally undeveloped, for use of the documentary film for research and teaching in this field of integrated cultural study. It is to be hoped that the postwar era will remedy this defect.

VII. CONCLUSIONS

The vast range of continuing activity surveyed in the preceding pages forbids the drawing of any very definite conclusions. It is clear that political science constitutes today in the United States one of the most vital and viable subjects of social research and teaching. Its close and intimate linkage with all the more urgent problems of a democratic society makes it the "science of democracy" par excellence, even if we no longer assign it the exalted place of the "master science" which Aristotle claimed for it. Nor need we do so. After all, politics (*ta politica*) in the Aristotelian sense comprised the whole range of the social sciences. All that pertains to the community was part of it. In an age of expanding government functions and of rising international organization, however, the study of "who gets what, when, and how," as one political scientist has put it, will be of central importance as long as a free society permits the scholar to assist in shaping the solutions of problems which concern everybody. There is little of the quantitative exactitude in political science which characterizes modern economics, nor is there the logical precision of jurisprudence, nor yet the "human thrill" of anthropology, sociology, and psychology. Government, administration, politics—their central importance in the life of modern man nevertheless vindicates a central position for those scholars who are making "government," both past and present, their special concern. Judgment, and a capacity to synthesize, to interpret effectively without complete knowledge, to grasp the relation between the subjective valuation and the objective data—these are some of the specific qualities that enable the political scientist to make his peculiar contribution to the totality of social knowledge at the present time. Is it an accident, or is it perhaps of real significance, that the one subject of inquiry which totalitarian dictators cannot permit in their regimented lands is the study of political science? There the study of government once again becomes the *arcana imperii*, the carefully guarded secret of the self-appointed rulers who win the wars against their own peoples, but lose the wars against free men living under democracy.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Forty-Third Annual Meeting of the American Political Science Association. The forty-third annual meeting of the American Political Science Association will be held at Washington, D. C., on Sunday, Monday, and Tuesday morning, December 28-30, with the Hotel Statler as headquarters. Last year's program was constructed around the general theme; "The Problems of Government in the Post-War World." The program this year is designed to bring forth an appraisal of the manner in which some of the more critical of these problems, and perhaps a few unanticipated ones, are being met. Major emphasis will be placed on the rôle of the United States in world affairs, and on the effectiveness of its efforts to achieve internally a tolerable solution of the problem of economic and social stability. Round-tables or section meetings have been scheduled on the following subjects: Peace Settlement and Occupation Problems—Japan; Peace Settlement and Occupation Problems—Germany; Communism in the U.S.S.R.; United States-U.S.S.R. Relations; Economic Changes and Prospects for Democracy in Europe; Organization of the U. S. Government with Relation to its Present Rôle in World Affairs; Dependency Problems—Puerto Rico; The Operation of the United Nations Assembly and Security Council; Adequacy of the Administrative Organization of International Agencies; International Communication Problems; International Trade Problems; Legislative-Executive Relations; Organization of the National Government with Reference to Economic Services and Controls; Possibilities of National Political Planning; State, Local, and Regional Planning Developments; The Use of the States in the Administration of National Policies; Congress under the Reorganization Act; The Rôle of Government in the Regulation of Labor-Management Relations; Impact of Post-War Developments on Federal Personnel; American Political Theories and Public Attitudes on the Relation of Government to Economic Enterprise; Representative Government and the Legislative Process; Judicial Personnel Problems; Problems of Teaching in Political Science, (1) The Introductory Course and (2) The Place of Political Science in Social Science Survey Courses. Two or three additional round-tables will probably be scheduled. With few exceptions, each round-table and section meeting will meet but once. There will be a joint round-table in collaboration with the National Council for Social Studies, and a number of breakfast meetings. It is planned to have two luncheon meetings and two evening meetings. President Arthur W. Macmahon will give the presi-

dential address on Sunday evening, December 28. A Preliminary Program outlining in greater detail the structure of the program will be printed within the near future and distributed to the members of the Association. —HUGH L. ELSBREE, *Chairman, Program Committee.*

Professor Alfred Cobban, of the University of London, was a member of the political science staff at the University of Chicago during the spring and summer quarters, giving lectures in the field of political theory.

During the summer, Professor Charles E. Merriam, of the University of Chicago, delivered three lectures and held a conference at Syracuse University on "Politics and Administration."

Professor L. Vaughan Howard, formerly of the University of Maryland, has been appointed professor and head of the department at Tulane University.

Professor Pitman B. Potter, managing editor of the *American Journal of International Law*, has become dean of the Graduate Division of the American University.

Professor Avery Leiserson, of the University of Chicago, spent the summer in Washington preparing a report for the American Council on Foreign Relations, and Professor Charles M. Hardin taught at the University of Illinois.

The University of Chicago has announced the appointment of Mr. David Easton as assistant professor in the social sciences, to be responsible for the contribution of political science to a new divisional course in the social sciences.

At Princeton University, Professors Paul T. Stafford and John A. Schroth have been granted leaves of absence for the current fall term, and Dr. Burke Inlow has been appointed to an instructorship.

Professor J. William Robinson, of Purdue University, has been appointed professor of government and chairman of the new department of government and international relations at Whittier College, California.

New appointments at Ohio State University include, as assistant professor, Dr. Dayton E. Heckman, formerly of Cleveland College of Western Reserve University; as instructors, Messrs. Carl H. McFadden, Schuyler D. Hoslett, and David Spitz. Mr. McFadden and Mr. Hoslett have been engaged in graduate work at Ohio State University and Dr. Spitz at Columbia University.

Mr. Herbert Emmerich, director of Public Administration Clearing House and lecturer in political science at the University of Chicago,

attended the summer conference of the Institute of Public Administration in Great Britain, the congress of the International Management Institute at Stockholm, and the Paris conference of the International Institute of the Administrative Sciences. He was elected a vice president of the Institute, and Professor Leonard D. White, who had been a vice president for the last ten years, was elected honorary vice president.

Professor Thomas S. Barclay, of Stanford University, is visiting professor at the University of Illinois during the first semester and is giving courses on legislation and American politics.

Dr. Richard C. Spencer, until recently Government Organization Specialist in the Governments Division of the U. S. Bureau of the Census and professorial lecturer at the George Washington University, has been appointed visiting professor at the University of Nebraska for the current academic year.

After a period of service with the Department of State, Mr. Richard E. Hibbard has joined the staff of the State Teachers College at Eau Claire, Wisconsin.

At Hamilton College, Dr. George Lenczowski has been promoted to an assistant professorship and Messrs. Richard Buffum and Mitchell Wendell, of the Fletcher School and Columbia University, respectively, have been appointed instructors.

Dr. Eric Beecroft, formerly special assistant to the Secretary of the Interior, has been appointed to a position in the loan department of the International Bank for Reconstruction and Development.

Dr. Fred Hadsel, formerly of Rutgers University, is now a lecturer in political science at the George Washington University and is in charge of a course on international organization.

At Swarthmore College, Professor Bryce Wood has been granted a leave of absence for the current year to work on the staff of the Rockefeller Foundation. In his absence, Mr. George T. Little, who is completing his work for the doctorate at Yale University, has been appointed instructor.

At the University of Michigan, Professor James K. Pollock has succeeded Professor Everett S. Brown as chairman of the department of political science. Professor Lionel H. Laing has been promoted to an associate professorship and Dr. Ferrel Heady to an assistant professorship. Mr. Nicholas M. Efimenko has been made an instructor.

At Emory University, Professor David D. Wallace, retired head of the

department of history and political science at Wofford College, is visiting professor of political science during the fall quarter; during the winter quarter, Professor Francis W. Coker, recently retired at Yale University, will offer graduate courses in political theory; and in the spring, Professor H. C. Nixon, of Vanderbilt University, will offer courses on American political parties and political problems of the South.

Professor Charles E. Merriam of the University of Chicago, and his son, Robert E. Merriam, recently-elected alderman for the fifth ward, Chicago, are collaborating in a series of five lectures at University College of the University of Chicago on topics pertaining to government in the Chicago metropolitan area.

During the past summer, Professor Francis R. Aumann, of Ohio State University, offered courses in public law at Wayne University and Katharine McCarthy Aumann assisted in the field of American government.

Professor James K. Pollock, of the University of Michigan, is one of two persons named from private life by President *pro tempore* Vandenburg to the recently authorized twelve-man commission which will undertake a study of the organization of the executive branch of the national government and present a report in January, 1949. The next issue of the REVIEW will contain a brief article on this project.

In the last issue of the REVIEW, it was erroneously reported that Dr. Phillip Monypenny had joined the staff of the University of Illinois as a visiting professor. His appointment was as assistant professor.

Dr. Morris H. Cohen, who has been part-time instructor at the University of Chicago while completing his graduate studies, has been appointed assistant professor at Clark University.

At Connecticut College, Dr. Louise W. Holborn, recently of Smith College, has been appointed assistant professor of government and Dr. Mary Trackett Reynolds part-time lecturer.

Dr. Dale Pontius, recently assistant professor at Tulane University, has accepted an associate professorship at Roosevelt College, Chicago.

Dr. R. R. Oglesby, formerly of Sweetbrier College, has become an assistant professor at Oklahoma Agricultural and Mechanical College.

Mr. Roy J. Kelley, recently of Loyola University, has accepted a professorship in the new University of St. Thomas at Houston, Texas.

At Wayne University, Dr. Robert Steadman, formerly of Syracuse University, has become full professor of government; Dr. Nathan Grund-

stein has become assistant professor, and Mr. L. L. Friedland and Miss Dorothy Cormack have joined the staff.

Mr. James A. Norton, instructor at the University of Texas, has resigned to continue work on his doctorate at Harvard University.

Dr. Ralph R. Temple resigned as assistant director for public administration with the State Division of the Pennsylvania Economy League to undertake special surveys of judicial administration in New Jersey at the request of Governor Alfred E. Driscoll for use in connection with the recent constitutional convention.

Dr. Paul K. Walp has accepted a position as research technician for Government Research, Inc., Los Angeles, California. During the summer, he served as visiting assistant professor at the University of California at Los Angeles.

At the University of Tulsa, Mr. Edwin W. Butler has resigned his instructorship to enter the University of Colorado Law School and Miss Marian Lashley has been appointed instructor for the current year.

Dr. Clifford E. Garwick has been appointed to a professorship at Washington and Jefferson College.

Dr. G. Leighton La Fuze, formerly associated with the University of Florida and the University of Virginia, and more recently with the Department of State, has been appointed assistant professor at the University of Maryland.

Dr. Lester H. Phillips has resigned at Colorado State College of Education to accept an associate professorship at the University of Redlands.

At Hendrix College, Professor Richard E. Yates has been advanced to an associate professorship.

The University of Maryland has recently established a bureau of public administration under the directorship of Professor Joseph M. Ray.

In coöperation with the New Jersey Association of Teachers of Social Studies, Rutgers University held a Government Institute, on July 14 and 15, in connection with the state's constitutional convention. New Jersey's constitutional development was presented by Mr. Richard P. McCormick, of Rutgers, and Mr. John E. Bebout, of the National Municipal League. Dr. W. Brooke Graves, of the Library of Congress, discussed "The Essentials of a Good Constitution." Professor Arthur W. Bromage, of the University of Michigan, spoke on "Constitutions and Local Government." Executive, legislative, and judicial functions were discussed by Dr. Charles Erdman, commissioner of economic development, Dean

George Harris, of the Rutgers Law School, Senator Roy V. Wright, and Assemblyman Bernard W. Vogel. A forum on "Areas of Controversy in the Convention" was presented by Mrs. Jane Barus, delegate to the convention from Essex county, Professor Charles C. Rohlfing, of the University of Pennsylvania, Professor Bennett M. Rich, of Rutgers, Professor Bromage, Mr. Bebout, and Dr. Graves.

The Russian Institute of Columbia University opened its second year on September 25, 1947. Approximately fifty students have progressed to the second year of the two-year course, and a new class of some fifty entered the first-year program. Grants-in-aid and scholarships have been made possible for especially meritorious students from a grant received from the Carnegie Corporation of New York, as well as from the regular scholarship funds of Columbia University. The national character of the student body during the first year is attested by the fact that students entered with baccalaureate degrees from thirty-seven colleges. Half of these had previously engaged in graduate study at eighteen different graduate schools. Nineteen of the students had received advanced degrees before their admission to the Russian Institute. The major addition to the curriculum for the present year is a joint seminar in various aspects of American-Soviet relations since the Revolution of 1917. All students in the second year participate, along with all staff members—such participation bringing to bear on the problem the approach of faculty members and students specializing in history, government, economics, international relations, literature, and law. In addition to taking part in the joint seminar, each second-year student works in a seminar in his major area of interest and prepares an essay under the supervision of his adviser. A working knowledge of the Russian language is a prerequisite for seminar participation.

The Institute of International Education, 2 West 45th Street, New York City, announces that it has been requested by the Argentine National Cultural Commission to assist in the selection of two United States graduate students who will receive fellowships from the Commission for ten months' study in Argentina. The fellowships will run from March 1 to December 31, 1948, and will provide round-trip travel plus 5,000 Argentine pesos (about \$1,250 at current official exchange rates). Candidates must have a working knowledge of Spanish.

For many years, the U. S. Census Bureau has compiled and published statistics on governments, especially state and local. A bulletin issued in September furnishes a convenient list of such publications, with some indication of certain ones to come.

After two years in Germany with the Civil Administration Division, Office of Military Government for Germany (U. S.), Dr. Roger H. Wells

has resumed his professorship at Bryn Mawr College. Dr. Wells was first Chief of the Local Government Branch and then Chief of the Elections and Political Parties Branch. Subsequently he served as Consultant and Deputy Director for Zonal Affairs. While his work involved all aspects of German civil government, he was particularly concerned with the reestablishment of democratic local and *Land* governments in the U. S. Zone. He was a member of the Interdivisional Committee on Governmental Structure which reviewed the constitutions of Bavaria, Hesse, and Württemberg-Baden and was special O.M.G.U.S. liaison officer to the Bavarian Constitutional Convention. He was also a member of the O.M.G.U.S. delegation to the Moscow Council of Foreign Ministers in the spring of 1947 and was head of the U. S. Military Government delegation to the Seventh International Congress of Local Authorities, Paris, July, 1947. For his service to Military Government, Professor Wells was awarded the Medal of Freedom by General Clay.

At a dinner at the Fifth Avenue Hotel in New York on September 19, the 1946 *Annual Survey of American Law* was dedicated to former Senator Robert M. La Follette, Jr., Representative Mike Monroney, and Dr. George B. Galloway "in recognition of their distinguished service in safeguarding the legislative process through the enactment of the Congressional Reorganization Act of 1946." Written and published by the faculty of the New York University School of Law in collaboration with Dean Arthur T. Vanderbilt, five volumes of this annual *Survey* have now appeared. The earlier volumes were dedicated to Chancellor Chase of New York University, Dean Emeritus Sommer, Judge Manley O. Hudson, and Carl McFarland. Chancellor Chase presided at the dinner, which was attended by 200 members of the faculty and alumni of the law school. Dr. Galloway accepted the award on behalf of ex-Senator La Follette and Congressman Monroney, who were unable to be present.

At the University of Washington, an Institute of Public Affairs has been established to develop and coördinate graduate and research activities in government and administration. At present, the major activity of the Institute is a two-year graduate professional curriculum in public administration, leading to a specialized master's degree, and designed to prepare for administrative positions in the public service. The program covers six fields: the development of American institutions, the administrative process, public management, the economics of public activity, and administrative problems. A working internship is included. The faculty for the program consists of Professors George A. Shipman (public administration), Kenneth C. Cole (public law), W. Stull Holt (history), James K. Hall (economics), and Donald H. Webster (state and local government).

With a view to more adequate university training for public service, the legislature of Illinois lately created a commission to study the appropriateness of establishing at the University of Illinois a "curriculum in government"; and the commission's report, submitted last May, recommended that the University proceed as rapidly as possible to develop "a broad program of teaching, research, and extension in government and public affairs." As a result, the trustees of the institution have established an Institute of Government and Public Affairs, under the directorship of Professor Horace M. Gray, professor of economics and associate dean of the Graduate School. According to an announcement recently received, "the new University unit will, under its teaching function, provide general instruction in government for all students, specialized professional training for students desiring to prepare for government service, and graduate training for especially qualified students who desire to prepare themselves for higher administrative and research positions in various types of public service. Its research will include investigating specific practical problems that arise in all levels of government—local, state, federal, and international—and making the results of such studies freely available to governmental agencies and public officials who may need such information. Under its extension services, the Institute will provide general instruction in government for those whose circumstances make it impossible for them to study on the campus; provide technical, on-the-job training for those engaged in government service, with a view to improving their professional competence; and make available to all agencies of government technical information and counsel to assist them in the solution of problems."

BOOK REVIEWS AND NOTICES

Commonwealth: Massachusetts, 1774-1861; A Study of the Role of Government in the American Economy. BY OSCAR HANDLIN AND MARY FLUG HANDLIN. (New York: New York University Press. 1947. Pp. xiii, 364.)

In order to supplement our knowledge of the economic policies of state governments prior to the Civil War, the Social Science Research Council's Committee on Research in Economic History has set up studies of "politico-economic thought and action" in four states: Massachusetts, Pennsylvania, Georgia, and Illinois. This study of Massachusetts policies is the first to be published.

The authors' broad conclusions may be stated briefly. From Independence down to the Civil War, government was considered to be, and was in fact, a significant force in the Massachusetts economy. Neither in thought nor in action was there any trace of the *laissez-faire* argument. Important changes took place in the direction of public policy. Following Independence, the policy was similar to that generally called mercantilism in Europe. The Commonwealth attempted to guide productive enterprise by the granting of privileges in one form or another. The influence of social and political democracy resulted in the diffusion and multiplication of the governmental instruments of privilege to such an extent that they lost much of their significance. Accompanying this development, however, was an acceleration of the reform and regulatory activities of the state. Arguments against privilege were not transposed into arguments against government regulation, as was the case in Europe. In the Massachusetts society of this period, those who wanted social and economic reform were able to pursue their ends without resort to the *laissez-faire* myth which accompanied the break-up of mercantile policies in Europe. The attitude toward government was a balanced one. The state was not regarded as omnipotent. An evolving doctrine of private rights, and a legal system to apply and enforce it, established limits on government action. It is impressive, and almost depressing, to compare this judicious attitude toward the rôle of government in the economy with the various mythologies that have striven for ascendancy in this country since the Civil War.

The authors have not labored their conclusions. In fact, they seldom bother to make them explicit. An exhaustive analysis of opinion and policy made this unnecessary. Following a method partly chronological, partly topical, they have packed into 263 pages of text a surprisingly detailed account of the evolution of the economic setting in Massachusetts, and of governmental policy in relation thereto. The writings of men of affairs have been carefully examined, but primary consideration has been given to governmental action. In keeping with their central purpose, the authors have made no attempt to trace the administration or the

effects of governmental policies. In the opinion of the reviewer, this limitation was soundly conceived.

The first two chapters furnish valuable accounts of the background of the constitution of 1780 and the development of governmental policy through the stormy 1780's. Chapter III is invaluable for its rich and compact treatment of the specific measures taken by the Commonwealth in the early years to promote economic development. Chapters IV and V trace in great detail the evolution of Commonwealth policy regarding association and incorporation down to about 1820. Chapter VI is an analysis of the development of the legal system and of the growth of the distinction between public functions and private rights. The last four chapters deal with the decades following 1820, which forms a rough dividing line. Chapter VI, entitled "Acquiescence as State Policy," traces the decline of incorporation as an instrument of conscious governmental control of enterprise in manufacturing, banking, insurance, transportation, and other areas. The authors point out that multiplication of corporate charters "had ended by devouring the state's capacity to direct production through judicious bestowal of the privilege" (p. 194). In the remaining three chapters, they portray the background, attitudes, and policies which made of the state what they describe as a "regulating agency," in contrast to the earlier mercantilist "Commonwealth." The roots of reformist and regulatory policies, however, are traced back through the earlier period. These last three chapters contain a wealth of material concerning the manifold preoccupation of government with economic conduct from 1820 to 1860.

The contribution made by this study is enhanced by frequent but unobtrusive use of footnotes; a valuable note on sources (pp. 283-299); an exhaustive bibliography (pp. 300-342); and a full index.

HUGH L. ELSBREE.

*Legislative Reference Service,
Library of Congress.*

Reflections on Public Administration. BY JOHN MERRIMAN GAUS. (University, Alabama; University of Alabama Press. 1947. Pp. 153. \$2.00.)

In his compendious volume, consisting of lectures delivered to professional students of public administration, Professor Gaus has stated, against the background of contemporary trends, particularly the current anti-government feeling now rumbling in the public belly, some of the simple, hence subtle, truths upon which the health and survival of the body politic depends. The ideas are not new, for the most part, but they are timely, and they are set forth with that combination of sympathetic insight, reasonableness, and leisurely learning that only John Gaus seems to bring to the discussion of public administration.

The chapter on the "Ecology of Government" alerts the student to the basic factors which explain "the ebb and flow of the functions of government." A major point of the following chapter on "Politics and Administration" is the absence of any easy answer to public problems. In the reasoned and reasonable solution, patiently arrived at through all the laborious processes of democratic government and responsible administration, is the only hope of progress. With these points set down, Gaus goes on to analyze and comment shrewdly on the governing processes.

The discussion of "Policy and Administration" emphasizes the logic of executive leadership and an integrated approach to the public problems of an integrated society. "Devolution and Federation" explores the possibility of escaping from the problems of great size and complexity through geographic decentralization and functional devolution; the conclusion is that while such steps may often be desirable for other reasons, they do not simplify, but probably "complicate and further enlarge the rôle of legislation, administration, and adjudication."

Having accepted complexity as inevitable, the author turns to "The Purposes and Procedures of Control." He notes the inadequacy as well as the value of formal legislative and judicial procedures, and stresses the potent part of auxiliary and staff specialization and of lay participation in preventing administrative errors or excesses. He ends the chapter on his now familiar note of "administration as education."

In the theme of the concluding chapter, we find a compensation for the difficulties created by great size and complexity. They more or less doom personal government. Key figures, in the party as well as the administration, must have and utilize a staff, a working team of experienced men, to cope with their jobs. Gaus finds comfort in a sort of historic determinism that has operated not only in recent decades but at other times to force key figures to institutionalize their functions.

The reviewer has the impression that mature readers will understand (and agree) with Gaus. Readers of less experience or insight may not follow him. Gaus' treatment is suggestive, or subtle, although penetrating. The reviewer sometimes wishes that the distinguished author used a blunter weapon and laid about him more vigorously. A rapier thrust ought not to be so quick and skillful that the villain doesn't know that he has been dispatched. One value of the *Reflections* is their frequent reference to the observations of early students of the problem, nineteenth century as well as twentieth. We need to be reminded that neither the problems of "modern" government nor the understanding of them began with us.

Since the proof of the ointment is the fly, the reviewer is obliged to pick out one small gnat. The implication of a sentence on pages 99-100 seems to be that President Truman named Henry Wallace secretary of com-

merce. Wallace was confirmed by the Senate March 1, 1945, more than a month before Roosevelt's death.

GEORGE A. GRAHAM.

Princeton University.

American Military Government in Germany. BY HAROLD ZINK. (New York: The Macmillan Company. 1947. Pp. 272. \$4.00.)

In the headlines of the American press, denazification and fraternization were the sum and substance of military government's initial phase in Germany. The whole story did not, and could not, at first appear. That the occupation of the Reich was failing and that Americans were bungling the job became the general impression when the newspapers shed more heat than light on the long-hidden situation within the fallen Fatherland.

The author of this book, Professor Harold Zink, of DePauw University, served as a staff officer during World War II in the German country unit of SHAEF and helped prepare the *Handbook for Military Government in Germany*. Later he was assigned to the United States Group, Control Council for Germany, and has since prepared through the Social Science Research Council his account of occupation in the American zone of the Reich. Since Professor Zink has avoided fulsome praise and devastating criticism, facts, events, and trends are scrutinized objectively for what they have proved worth in the long run.

Before military government, the reader learns, came training of those specialists recruited from civilian and military sources for occupation duties. Their indoctrination at Fort Custer, in the university classrooms of the Civil Affairs Training Schools, and at Charlottesville, receives critical analysis. In the schools on the other side at Shrivenham, and on the Continent itself after the invasion, instruction in area, language, and administration continued until the eventual day of action arrived. When training became coterminous with waiting, repetition became a fine art. Timing, so crucial for morale and efficiency, was something beyond even General Eisenhower's control, and "hurry up and wait" became a byword with the impatient detachments.

What happened when the long months of inactivity ended in the winter and spring of 1945? The answer, as in any administrative problem, was contained in the men themselves. "Top Brass, Officers, and GIs" is the chapter which examines the credentials of MG's specialist corps. Although the author makes due allowance for mistakes in individual selections, and although he discounts the confusing picture painted by violent pro and con reporting, the book looks farther to find why the early results in Germany fell short of the high hopes held by the MG officers themselves. Not only did the bombed and blasted Reich surrender, but its civil struc-

ture, undermined by NSDAP domination, collapsed like a house of cards before V-E Day. To get the lights turned on again or to restore a safe water supply, the paralyzed Germans waited for American orders. At the *Landkreis* and *Stadtkreis* level, local administration had to be raised from the dust of national disaster, and for this complete ruination all the training in the world would not have equipped the teams. Confronted on the one hand by the need to get civil administration into operation again and on the other by the fact that so many Germans, to survive, must have been tainted with totalitarianism, the officers found in their manuals no easy solution for the dilemma in which they found themselves. Such total dissolution of primary governmental processes from the demolition of office-buildings to the disappearance of the officials with their Nazi-impregnated files and the blank wall of local initiative forced the hand of military government officers. Professor Zink describes judiciously the not-always consistent demands upon them to erect some semblance of authority and at the same time to fulfill the three D's of directives: denazification, democratization and decentralization. While credit is bestowed upon detachments which did well merely to preserve law and order in Hitler's wake, full weight is fairly given to the pitfalls and pot-holes which beset their every move.

As to top policy, in the light of which the remotest echelons in the field were expected to act, belated adoption of the Morgenthau plan had delayed the issuance of the official MG handbook. Some detachments, as this monograph makes evident, took their posts without sufficient grounding in policy, and then came the Aachen affair in which the *Bürgermeister* turned out to have a Nazi record. In the reaction of nerves which ensued and under the pressure of home-front opinion, elimination of any degree of Nazism was decreed from top to bottom, down to the most minor clerical positions. This precipitated processing of the *Fragebogen*, stacked like cordwood throughout MG headquarters in blasted cities and villages. The amount of effort expended initially in this sweeping and sometimes superficial treatment of the deep-seated problem of denazification has raised legitimate questions in this author's mind.

Following the chronology of recruiting personnel, training here and overseas, the combat phase and initial occupation techniques of the spring and summer of 1945 comes an evaluation of the long-term institution of the *Länderrat* in the American zone. Special emphasis is given in successive chapters to denazification; reeducation of the Germans; the goal of democratization; economic program; military government policy; the rôle of the State Department; public relations; treatment of the German people; and the Berlin District. There is apparent a thorough understanding of the impact upon the Germans who are, after all, the most numerous characters in this military drama. With skill, the reader is kept aware of the interrelations between the detachments in the field and "the

higher echelons": USGCC; G-5 of SHAEF; G-5 of USFET; and OMGUS. For those unfamiliar with military organization, Professor Zink offers clear analysis of the relation of military government units to Division, Corps, Army, Army Group, and SHAEF. He has managed to spell out the transition of military government from command channels to what might be called, for lack of a better term, military government channels. Charts are available for those who like to see a generality reduced to specification before their eyes. In addition to sound observation and blunt appraisal, the value of this study will be as a means of informing the American public about the successes and failures, the high and low points, of American occupation in its particular zone. The conclusions delineate in sharp perspective the dangers and difficulties encountered by the Army, still saddled with responsibility for control and forced to work in a four-way hitch. By showing how Americans have handled the inception and development of the occupation, a framework is provided for an understanding of the responsibilities which we still shoulder without being in sight of release.

ARTHUR W. BROMAGE.

University of Michigan.

A Foreign Policy for the United States. EDITED BY QUINCY WRIGHT.
(Chicago: University of Chicago Press. 1947. Pp. x, 405. \$4.50.)

As a people, we are given to violent extremes. Within the memory of all except our youngest citizens, we once proclaimed to the world that its political maneuverings—the evil heritage of a disreputable past—were of no consequence to us because we conducted our foreign affairs in the white light of a higher morality. Now, all of a sudden, we proclaim to the world that our national political interests have become global in scope, and that we are properly interested in political happenings everywhere. Thus as we plunge so suddenly into international affairs, we tend in the consciousness of our power to overlook both our inexperience and the limits within which our power can effectively be exercised. We may sail successfully on to our Ithaca, but we shall avoid the rocks of stark disaster only if we are wiser collectively than we shall be if we rely merely on the crude instruments of our material strength and our traditional common sense so venerated by our publicists.

This is another way of saying that we were never in greater need of books such as this collection of the papers and discussion summaries of the 1946 Harris Institute. Happily it is not, as the title misleadingly suggests, a compilation of policy recommendations emerging as an artificial attempt to reach a consensus of conference opinion. It is a thoughtful and expert survey of some of the major fields in which foreign policy problems tend to arise—great-power relationships, general security, regional policies, international economic policies, and international informational policies.

Under these rubrics, a good deal of attention has been paid to specific policy problems such as atomic energy control and the future régime of Germany. The five major papers are on "The United States and the Other Great Powers" (Professor W. T. R. Fox of Yale), "The United States and the United Nations" (Dr. Leo Pasvolsky of Brookings), "The Expansion of World Trade and Employment" (Mr. Clair Wilcox of the State Department), "Free Enterprise and Commercial Policy" (Mr. Herbert Feis, formerly Economic Adviser of the State Department), and "United States Policy Concerning International Information and Cultural Relations" (Mr. Kenneth Holland of the State Department). These are supplemented by the papers read by each of the round-table leaders and by a carefully edited digest of discussions.

Clearly, no single review of modest length can do justice to these fifteen papers and the comments of the participants in the round-tables. All that this reviewer can say by way of general observation is that the symposium as a whole sets a high standard of competence. It is recommended reading for all persons who are genuinely concerned over the prospects and possibilities of our new national rôle. Its perusal will not make them sleep any more peacefully at night, but such insomnia might not be a total loss.

For the reader who must run too fast to read the entire book, the first two sections on the great powers and security problems are specially to be recommended. Professor Fox, and his colleague Professor de Kiewiet, "The United States and the United Kingdom," and Professor Hazard, "The United States and the Soviet Union," have dealt with the fundamental problems of Big Three relations with a competence which leaves little to be desired. The same is true of Professor Brodie's paper on "The Security Problem in the Light of Atomic Energy."

Taken together, these papers point to the need for a balancing of American-Russian relationships, not by a rigid delimitation of two spheres, but by blurred "belts of frontiers" where the present-day political orientation either eastward or westward may give place to a genuine and growing spirit of independence *vis-à-vis* both the glowering Titans. The authors recognize that this resurgence of national independence may not occur, but they are wise, at least in this reviewer's opinion, in suggesting that its emergence would enable us all, if not to sleep more easily, at least to dream less fearfully.

GRAYSON L. KIRK.

Columbia University.

The United States at War. Committee on Records of War Administration. Historical Reports on War Administration, Bureau of the Budget, No. 1 (Washington, D. C.: U. S. Government Printing Office. 1946. Pp. xv, 555. \$1.00.)

This book, subtitled "Development and Administration of the War

Program by the Federal Government," deals with the growth of war production and certain allied problems such as stabilization, transportation, manpower, and food. It deals only with the major aspects of civilian administration, leaving other activities for later specialized treatment. Military and diplomatic events are referred to only as they affected civilian production.

The volume is the work of eight authors—Ethan P. Allen, Clarence H. Danhof, Harold F. Gosnell, Luther Gulick, Elias Huzar, V. O. Key, Donald H. Morrison, and Lloyd G. Reynolds. They were "torn between their interests in the technical aspects of administration and their mandate to produce an analysis of general interest." The reviewer, too, is torn.

First, the favorable comments: this will be the essential starting point for any research or writing about the war administration; it is indispensable; it contains a lot of information; its allocation of space is commendable; it is based on years of work by many more than the eight authors; the fundamental idea of a history of the war administration is sound; it is an honest history; its details are sure to be accurate.

Secondly, it is a very discreet history. It is written from inside the administration, but contains no "inside" stories. Praise is distributed sparingly, blame hardly at all. Few names are mentioned, and those only favorably. There are here none of the "horror stories" of maladministration which participants are now relating to their classes and colleges throughout the country. No beans are spilled, except one: "Before signing an order, the President liked to associate the terms of the order with the person who was to carry them out" (p. 223). (Everybody knew it, but where were his "principles of organization?")

Thirdly, after students have read this and passed their exams, the lessons history (this history) will have taught may well be these: (1) the administrators did the best that could be done under the circumstances; (2) the administrators did not cause the circumstances; (3) the solution of each problem as finally worked out was the right one; (4) the WPB was the hero of the war; (5) the military were a not insuperable obstacle to winning the war; (6) planning ahead was impossible, if not undesirable.

Fourthly, this will undoubtedly remain the most good-natured book on the war. What to one outside "the government" during the war seemed a depressing spectacle, and to those in it a bitter battle of Washington, was to these observers an encouraging example of democracy at work. In fact, there is a concluding chapter pointing out that German and Japanese war administration was so bad that our record is one in which the American people can take pride.

Finally, there are few charts and statistics. The style is grammatical and uniform. The diction is governmental. There is only one quotable sentence in the book. "These units were *bluntly* told that they were from that time

on 'staff divisions,' and that it was their function to . . . perform those phases of the functions where centralization of performance is unavoidable."

DAVID O. WALTER.

Washington, D. C.

Seen from EA; Three International Episodes. By HERBERT FEIS. (New York: Alfred A. Knopf. 1947. Pp. xi, 313. \$2.75.)

As Adviser on International Economic Affairs in the Department of State, Mr. Feis was given the designation of "EA" as the alphabetic abbreviation for his office. This book is an interpretation of three international episodes with which he was concerned by virtue of his position. Although the narrative was prepared after the author resigned from the Department, it has benefited to some degree from his having reexamined many of the relevant documents. As a result, Mr. Feis provides some new information and offers a series of grim revelations concerning the difficulties of international coöperation.

The first episode deals with efforts to increase American stocks of rubber during the years of impending conflict from 1936 to 1941. It is a story of frustration. First, the cartel controlling rubber proved uncoöperative; next the British and Dutch governments were recalcitrant; then business interests in the United States were unenthusiastic; and finally various Washington agencies opposed the purchase program. To some, this episode would be a clear lesson in the difficulties of the government going into business, but to others it would constitute a telling example of the short-sightedness of industry and certain governmental administrators. In his second episode, Mr. Feis recounts the negotiations for oil in the Middle East from 1943 to 1945. It is a story of general agreement on the necessity of obtaining reserves of oil and complete disagreement on how to do it. The Department of State and the Petroleum Administrator, Mr. Ickes, often worked at cross-purposes; the oil companies rejected various plans proposed by the government; British and Russian interests in the area complicated the problem; and Congress would not approve what the executive branch of the government finally proposed. In the eyes of "EA," the situation was reduced to hopeless confusion by the unhappy combination of personality differences, lack of careful planning, and poor strategy. The third episode describes the efforts of the League of Nations to halt Italian conquest of Ethiopia. The author demonstrates how Anglo-French appeasement and American neutrality scuttled the program of sanctions and hastened the demise of the League. Unlike the sections dealing with rubber and oil, only a small fraction of this account is based directly on the personal experience of the writer. Except for the note on the effectiveness of sanctions, he adds little to the information already available on the subject.

It would be unfair to criticize Mr. Feis on the ground that he does not give a complete account of these three episodes, for his intention is to discuss what he saw during his service with the Department of State. However, the author indulges in two practices which appreciably decrease the interest and readability of the volume. His policy of naming individuals only by their title is very confusing unless one is in the habit of reading with a government directory in hand. In addition, his inability to distinguish between an apt phrase and a purple-patched metaphor results in a style that distracts rather than pleases the reader.

FRED L. HADSEL.

George Washington University.

A Twentieth-Century Congress. BY ESTES KEFAUVER AND JACK LEVIN.
(New York: Duell, Sloan and Pearce. 1947. Pp. xiv, 236. \$3.00.)

What more should Congress do to modernize its facilities and its procedure? How can Congress strengthen its influence and better meet its responsibilities? Specific suggestions are the theme of this book. Representative Kefauver of Tennessee is already widely known among political scientists for his interest in improving Congressional performance. Dr. Levin has become, since the time of his work as co-author, a member of the research staff of the Legislative Reference Service.

The authors seek public discussion which will lead to action. "The national legislators must hear the aroused voice of an intelligent electorate, a voice insisting that there be a completely modern Congress to go hand in hand with a modern America" (p. 225). The book is written for that electorate. It is a book of advocacy, a blueprint, underscored by a deep faith in the essence of representative government and by optimism for its future. The technical paraphernalia of scholarship are minimized. The student of government will miss more keenly, however, a statement of the character and weight of opposing points of view. A few errors of detail need correction, as for example the statement (p. 49) that eighteen (properly sixteen) or more senators must sign a cloture petition before it is filed. Yet it is an informative book, forcefully written; and some of the practices in Congress are nowhere else so vividly described.

For the Reorganization Act of 1946, as a beginning, there is only praise; but for a modern Congress many and more sweeping changes are envisioned. Three constitutional amendments are proposed: four-year terms for House members and elimination of election of one-third of the Senate each biennium (presumably with four-year senatorial terms); consent for treaty ratification by majority vote of both houses; and representation in Congress for the District of Columbia. Among other major suggestions are electrical voting, a report and question period on the floor of each house for department heads, more effective party caucuses for discussion of issues, abolition of steering committees and substitution of joint ma-

majority and minority policy committees, still fewer standing committees with each one having jurisdiction matched precisely by a similar committee in the other house, modification of the seniority principle, further reduction of private or local bills, an end of filibustering in the Senate, better liaison with executive departments, and staffing under a merit system. Many of these proposals deserve immediate endorsement. All of them deserve study and, as the authors ask, discussion. Several are, without doubt, at present unacceptable to a majority in Congress. Since the authors are courageous, one might ask them whether electoral reform is not a part of a long-run program for a stronger Congress.

Observers of Congress know that increased pay and a retirement plan were the persuasive influences underlying adoption of the 1946 reorganization. Only masterful strategy by Senator La Follette, Representative Monroney, and their co-workers succeeded in coupling reorganization with a cash return. Some of the 1946 changes have already been ignored, and there is still danger that others will fall into disuse. By encouraging discussion of further Congressional improvement, Mr. Kefauver and Dr. Levin also build a bulwark for progress already made. Their major premise is both true and fundamental: the legislative process, as the heart of representative government, ought to be strengthened.

FRANKLIN L. BURDETTE.

University of Maryland.

The Nine Young Men. BY WESLEY McCUNE. (New York: Harper and Brothers. 1947. Pp. 293. \$3.50.)

The nine young men are the replacements made by Presidents Franklin D. Roosevelt and Harry S. Truman for the nine old men on the United States Supreme Court; and the book is a study of the men themselves and also of the work of the Court during the decade 1937-47. To make the volume less heavy, the author informs the reader, chapters on justices have been alternated with chapters on the justice meted out by the Court, term by term. It will be only natural if students find the analyses of decisions the more important, and lay readers find those dealing with personalities the more interesting. The author has had legal training, but his biographical sketches are better as journalistic pieces than as psychiatric analyses. This, too, is only natural, owing to the fact that Mr. McCune is a journalist.

The first chapter contains a readable and excellent account of the physical setting of the Supreme Court and a description of the working procedures of the Court in handling business. Chapter V is an intelligent statement of the problem of the law in adjusting specific controversies to the need for general principles and axioms. This chapter would help many an American to understand the perplexities that bedevil the Court. Justice

and law are not incompatible, but they are not as easily reconciled as most readers might suppose.

Mr. McCune seems to think that Mr. Justice Black is a great judge, and that justices such as Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Douglas suffer considerably from inadequate legal learning and judicial temperament. He appears to identify flexibility with departure from seemingly useful procedure, and judicial statesmanship with personal and partisan preferences expressed in satisfactorily intemperate language. But this reviewer does not wish to be unduly harsh on this point, because he is not sure that Mr. McCune means to describe a particular judge when he speaks of him as screaming or exploding. The author may only be making use of a literary form to awaken his reader. On the other hand, each reader must decide for himself in each particular instance whether or not it is the judge or the style that is in issue.

The volume is written in the journalistic style which makes appropriate use of slang phrases. Few people will have any difficulty in understanding most of the book. Readers of the next decade may find it difficult because some of its phrases will have become outmoded.

The book is an intelligent and honest attempt to combine biography and legal analysis for lay readers, and American government students will find it informative and interesting. As a rule, it is basically sound and quite accurate. The tendency to be "smart" should not obscure the true merits of Mr. McCune's study of the New Deal decade on the judicial side.

OLIVER P. FIELD.

Indiana University.

A National Labor Policy. BY HAROLD W. METZ AND MEYER JACOBSTEIN. (Washington: Brookings Institution. 1947. Pp. ix, 164. \$1.50.)

The "national labor policy" advocated in this Brookings Institution report is, in the main, that which since its publication has been enacted into law in the Labor-Management Relations Act, 1947, better known as the Taft-Hartley Act. In some respects, particularly in relation to industry-wide bargaining, the policy advocated restricts unions even more drastically than does the new Congressional legislation.

This policy is urged as being necessary to equalize the bargaining power of employers and unions. Prior to the new legislation, "labor organizations and labor leaders [were] in a dominant position in the whole economic and political system." This resulted from the New Deal legislation and its administration in a manner grossly unfair to employers. Prior to the New Deal, the federal government pursued "the general policy of non-interference" in the labor field. Only in the Railway Labor Act of 1926 and the Norris-La Guardia Act of 1932 was there any departure from this wholesome policy.

Little evidence is presented in this report in support of this thesis. At a

few points reference is made to an earlier study by the first author, *The Labor Policy of the Federal Government*, published by the Brookings Institution in 1945. An examination of this earlier study, however, reveals that many statements are made in the report reviewed for which no evidence is presented in either study.

Some of the statements made are misleading or doubtful. The authors surely know that the federal courts had a large rôle in labor disputes and labor relations prior to the Wagner Act. It is to be presumed also that they are familiar with the extensive labor provisions of the Clayton Act and the many federal statutes dealing with labor conditions and labor relations on the railroads which antedated the Railroad Labor Act. Still more misleading is the implication which runs through the book that the policy advocated does no more than restore the balance in the law as it stood before the New Deal. Very questionable also are the assumptions that employers have been no match for the unions in the recent past and that corporations are now subject to practically all of the restrictions which, it is argued, should be placed upon the operations of unions.

But this report cannot fairly be judged as an impartial study. It was published at the opening of the Eightieth Congress and was written to influence its action on labor relations legislation. It represents Brookings Institution in the rôle of an advocate rather than as a research agency. Now that the legislation advocated has become law, its value lies principally in setting forth the arguments which were effective in getting Congress to act as it did.

EDWIN E. WITTE.

University of Wisconsin.

The American Radio. BY LLEWELLYN WHITE. (Chicago: University of Chicago Press. 1947. Pp. xxi, 260. \$3.25.)

This superb report on the American radio-broadcasting industry was made under the auspices of the Commission on Freedom of the Press by the assistant director of the Commission's staff. The study is both analytical and historical. It undertakes to describe the mess we are in and to explain with penetrating precision how we got this way.

Valuable as it is as a reference work and in pointing the way to better things, the study contains few startling surprises. Not many of the 90,000,000 or so people in this country who listen more or less regularly to the 45,000,000 or more receiving sets will be astounded to discover that the radio industry has sold out to the advertisers. Nor will many of them be particularly surprised to learn that these advertisers are more interested in breaking down consumer resistance than in developing a carefully-planned, long-range broadcasting program based on the best interests of the general public. In view of the wide publicity given to Hooper and other ratings and surveys, they may be somewhat surprised, however,

to discover that the broadcasters are not deeply concerned about long-range citizen needs. These ratings and surveys are supposed to be the acid test. Actually they are nothing of the sort. They do little more than indicate the preferences that those who are listening at a given hour may have among the two or three or more alternatives available to them. They give no indication as to what these same listeners might prefer if other alternatives were available, nor as to what those who are not listening might like to hear. Moreover, these surveys are, at best, merely attempts to determine the desires of the listeners and not the needs of the public. Obviously, there is a vast difference.

Clearly, the listener is not the forgotten man. Nevertheless, he is the silent, and to a great degree, the acquiescent partner. He needs to rebel. He should organize and channelize his objections; he should make positive demands for better things. The broadcasters, for their part, should stop raising the issue of freedom of speech and recognize that the air belongs to the public and that the public may legitimately demand the creation of criteria for good program content and better service generally. Moreover, they should create clearing houses for radio ideas and should listen to and evaluate one another's programs. Above all, they should put the advertisers at arm's length and keep them there. Congress, the Federal Communications Commission, and the courts could help, too. Congress should be more generous in supplying funds and personnel for the F.C.C. The Commission should accentuate still further its recently acquired "public service" attitude toward its own responsibilities. The courts should be less cautious on questions of constitutionality.

Students of public opinion will find no revolutionary recommendations in this report. Nevertheless, it should be on the reading list for every course in public opinion. It is a tremendously valuable source of information, and if the recommendations were put into effect the consequences might be positively revolutionary.

E. ALLEN HELMS.

Ohio State University.

Natural Gas and the Public Interest. BY FREDERICK F. BLACHLY AND MIRIAM E. OATMAN. (Washington: Granite Press. 1947. Pp. 159. \$1.00.)

The appearance of this study while Congress is considering amendments to the Natural Gas Act desired by gas, oil, and coal interests readily enables the general reader as well as the student of government and economics to understand the basic factors involved in a complicated problem. As the authors indicate, unless state and federal governments act soon to prevent the further physical waste of natural gas and to control more adequately the types of use and extension of service into new areas, experts agree that our present known resources may be entirely exhausted

within the next thirty or forty years. Large segments of our economy may be disrupted if gas is to displace other fuels only temporarily. States such as Louisiana, lacking other fuel resources for their future economic development, may be deprived of the one source which they now have readily available.

The authors describe clearly and impartially the background of state and federal regulation, the elements peculiar to the regulation of natural gas companies, the arguments of advocates and opponents of further regulation, and finally their own views on how the public interest may best be protected. Briefly, they recommend that (1) both state and federal governments should use their taxing powers in order to discourage wasteful below-cost sales; (2) the states should fix minimum prices at the well head and should also enable all producers to enjoy the use of available gathering facilities (should the states fail to take unified action in this respect, Congress should do so in so far as possible under the interstate commerce power); (3) the states should prohibit the use of natural gas for certain purposes, and the Federal Power Commission, in granting certificates of convenience and necessity, should also consider "end use" and location use; (4) the Federal Power Commission should not only retain the powers it now has, as broadly interpreted by the Supreme Court, but also should be empowered to regulate the rates of natural gas sold in direct sales as well as those it now regulates for gas sold for resale.

Progress toward acceptance of these suggestions necessarily will be slow. The enactment of state legislation and the achievement of interstate uniformity and coöperation is a time-consuming process, even where the states are favorably inclined. On the federal level, the present disposition of the Federal Power Commission seems to be primarily in the direction of removing by general rules the two chief grounds for company dissatisfaction, namely, the requirements for service-area authorizations and the extent of its jurisdiction over production and gathering. One may question, however, whether the Commission, by the use of blanket rulings with respect to both of these matters instead of the consideration of each case on its individual merits, may not be unduly restricting the scope of its authority. It is hoped that in its forthcoming report on the results of its extensive natural gas investigation the Commission will ask Congress for clarification of all uncertain provisions in the Natural Gas Act, and that it will also discuss the merits of such far-sighted suggestions as those made by Drs. Blachly and Oatman in their provocative and valuable contribution.

ROBERT D. BAUM.

Arlington, Virginia.

Financial Administration of Municipal Utilities. BY IRVING TENNER.
(Chicago: Public Administration Service. 1947. Pp. xi, 152, \$3.75.)

In the conduct of municipal affairs, one function which has grown

significantly in recent years is public ownership of utilities. In the management of such enterprises, the fiscal responsibility entailed is of importance to the city and to the taxpayers alike. In 1947, among the cities containing more than 5,000 population in the United States, 1,390 reported municipal ownership and operation of municipal water supply and distribution; 959 had sewage treatment plants; 332 had municipal airports; 267 provided municipal electric generation and distribution; and 168 owned electric distribution systems. A lesser number of these cities reported ownership and operation of other utilities such as bus or trolley bus, street railways, gas works, port facilities, and slaughterhouses.

A municipal utility is defined by Mr. Tenner, in the practical manual which he has written, as any enterprise operated by a governmental unit to render service to the public for compensation. Although he deals only with electric and water plants as being the common utilities owned and operated by small cities, some of the principles discussed apply to other utilities as well. The material is concisely formulated in the style of the ICMA studies dealing with such subjects as municipal finance, municipal personnel, police, fire, and public works administration. As a guide to sound financial administration of municipal utilities, to detailed procedures, and to technical forms, the study will be particularly useful for those engaged in the application of underlying principles. Some of the forms presented as models were originally prepared by the author for the Municipal Finance Officers Association.

In analyzing the intricate questions of financial policies, rate structures, budget preparation and control, debt administration, handling customer accounts, cash and banking, purchasing, payroll administration, management of fixed assets, accounting, auditing, and reporting, the author's treatment is reliable, lucid, and informative. In structural matters relating to municipal organization, his interest is secondary.

A board appointed by the mayor with the approval of the city council is recommended for the direction of a utility in preference to an independent board on the one hand or a committee of the common council on the other. So far as these three types of management go, few would quarrel with the opinion expressed. There are, however, other alternatives such as appointment of a board by the mayor alone (strong-mayor plan). Again, what would Mr. Tenner say as to appointment of the board or of a director by the manager under the council-manager system? This is a fundamental question on which other possibilities could be canvassed.

When it comes to the fundamental issue of fiscal policy as to profits, Mr. Tenner is well aware of present-day pressures for municipal revenues which bring demands for contributions from utility profits to municipal general funds. He points out that the utility should take advantage of services which the municipality can render such as accounting, purchasing, and legal services. Payments made in lieu of property taxes are

recognized as a legitimate operating expense of the utility. Contributions are described as outright gifts. "They really represent a hidden tax levied by the municipality upon customers in proportion to use." The author points out the theoretical objections to contributions which result in hidden taxes. On the other hand, he indicates the organizational patterns and practical pressures which, supported by arguments from expediency and necessity, may result in the requirement of contributions. To avoid unintentional distribution of profits in the form of contributions, accumulated profits should be earmarked by setting up reserves. While the author's arguments may not prevent cities from tapping utility profits for contributions to general funds, he has certainly made clear the reasons operating against this practice.

For practitioners concerned with the internal, fiscal management of municipal utilities and fiscal policy, as well as for municipal utility executives and employees, the study will serve not only as a standard reference, but also as an in-service training handbook. In all phases of financial administration covered in the book, a successful effort is made to expound basic principles, and to inform the reader through charts and illustrative tables as to technical procedures required to carry theoretical principles into operation.

ARTHUR W. BROMAGE.

University of Michigan.

Monopolies and Patents; A Study of the History and Future of the Patent Monopoly. BY HAROLD G. FOX. (Toronto: University of Toronto Press. 1947. Pp. xxv, 388. \$10.00.)

Unlike those contemporary writers who discuss the interrelationships of patents and monopolies and analyze the contribution of patent laws to the rise of monopoly in the invidious sense of that term, Mr. Fox approaches the problem historically with a view to demonstrating the necessity for further protection of inventors regardless of whether they are individual persons or corporations and regardless of whether their products be new and ingenious devices or mere useful improvements. In so doing, he devotes about two-thirds of his book to tracing the history of monopolies from the time of the ancient Greeks through the successive stages of the English medieval guilds, the monopolies of the sixteenth and seventeenth centuries in England, and the decline of the monopoly system, to the gradual evolution of the modern patent of invention.

Although the historical portions of the book are probably the most valuable, it is not Mr. Fox's purpose to write history, but to demonstrate that, despite all their abuses, monopolies in sixteenth- and seventeenth-century England served a useful purpose in promoting the development of English industry and commerce, and that as a consequence greater

protection of inventors in the form of limited monopolies over their inventions and improvements would serve a good purpose in the twentieth century. Although the first contention to the effect that monopolies were the major device in giving England industrial primacy is doubtful in view of other contributing factors, the second indeed proves too much; for modern inventions, as Mr. Fox admits, are often the products of mass corporate research wherein the individual worker is engaged in only a portion of the process and may be ignorant of what his co-workers are doing, and in the end the patent monopoly is held not by an individual person, but by a corporation. Oftentimes, too, patents owned by original inventors mean little unless a monopoly or oligopoly desires to purchase it.

In the second portion of his book, Mr. Fox is primarily concerned with the development of the law of patents of inventions. He finds the origin of patent laws in the English Statute of Monopolies of 1624. Unfortunately, in his view, the English courts, by judicial legislation, changed this statute in such a way as to limit the granting of patents only for new and ingenious devices instead of for any discovery or any useful improvement. By judicial decision and statutes, the United States and Canada reached the same result. He proposes in this respect that Western nations return to the Statute of Monopolies by granting patents for any discovery or improvement. To avoid the evils of patent suppression and to provide for widespread use of new improvements, he advocates a system of compulsory licensing of patents after the French practice.

Mr. Fox has a definite preference for the "spirit of joyous pioneering" of the Elizabethan age in contrast "to the dismal torpidity and shrinking fear of our own times, when the *summum bonum* seems to be nothing more attractive than the dead level of mediocrity which goes by the name of security, under the leaden hand of socialism" (p. 85). Although he does not think well of this day of that rather amorphous fellow, the "common man" (p. 296), he pleads for patents for the "little fellow" when he makes "little" improvements (p. 302). One wonders, therefore, whether the "spacious days of great Elizabeth" are preferred for reasons other than their intrinsic merits, and whether the plea for the "little fellow" is made in the knowledge that a patent law which will benefit him will confer even greater advantages upon a corporate collectivism.

More than fifty pages of the book are devoted to useful appendices containing important cases, lists of English monopolies, proclamations, and statutes. Withal, however, the book contributes little to a solution of the existing problem of industrial patents and monopolies and is hardly worth the price charged.

ROBERT J. HARRIS.

Louisiana State University.

Agenda for Progressive Taxation. BY WILLIAM VICKREY. (New York: The Ronald Press Company. 1947. Pp. xi, 496. \$4.75.)

New public-finance literature has recently concerned itself mainly with so-called fiscal policy. Mr. Vickrey's book, on the other hand, is mainly in the older tradition and deals with tax theory and tax mechanism, particularly the latter. To anyone who doubts the abundance of analytical problems in tax institutions, this book is recommended. As a field of mechanics, public finance need take no back seat to physics and engineering.

Although the author's style is clear and readable, the book in its entirety could hardly be recommended for the layman. It leads into too much highly involved subject-matter. But it should provide excellent fodder for many a university seminar for a long time to come.

The book covers most aspects of income and death taxation, including the levies by states. Among the aspects stressed and the recommendations developed are the following: imputed income—this should be included in the income tax base at four to six per cent of the taxpayer's equity; life insurance—interest on life insurance reserves should be included in the income of the policyholder (the author's discussion illuminates a neglected area); capital gains and losses—these should receive treatment on a parity with other income; corporate saving—the author prefers a levy on accumulated surplus equivalent to an interest charge; averaging—faith in life-long cumulative averaging is reiterated; joint and separate returns—per capita graduation with special weighting for dependents is favored; federal-state-local integration—a centrally administered supplement with credits to residents for taxes paid the state of origin is advocated; rationalized and integrated succession tax—use of a formula that would neutralize for differences in intervals between levies and for various forms of transfer (such as life-estates) is preferred; spendings tax—this is proposed as a supplement to or substitute for the income tax except for the higher brackets. In addition, there is an excellent discussion of tax problems associated with depreciation, depletion, and obsolescence.

The author offers many illuminating comparisons between tax procedures in Great Britain and in the United States. The treatment is generally penetrating, exhaustive, and scholarly, and it is distinguished for its boldness and originality. The author has few if any inhibitions related to concern about simplicity, intelligibility, and workability of tax laws. In the reviewer's opinion, he greatly underrates the formidable complications that any system of averaging would involve, especially if we continue to change the standards of our income tax law as frequently as in the past and as reformers would like. Moreover, the reviewer fails to catch any persuasive reason why expenditures are preferable to income as a basis for progressive taxation. But these reservations do not alter the

conclusion that the book is as stimulating and creative a work on certain tax institutions as has appeared for a long time.

HAROLD M. GROVES.

University of Wisconsin.

Economic Freedom for the West. BY WENDELL BERGE. (Lincoln, Neb.: University of Nebraska Press. 1946. Pp. xiv, 168.)

The former Assistant Attorney-General of the United States in charge of anti-trust prosecutions, Wendell Berge, a native of Nebraska, is enthusiastic about the economic potentialities of the West, if it can escape the stifling oppression of monopolistic control by powerful Eastern interests. He writes eloquently, as if speaking on a favorite subject. Probably the hortatory paragraphs have been culled from public addresses; for he has spoken occasionally on the theme of this book. The design and manner are that of an advocate.

In the exigencies of war, which forced American industry into high gear, drove it into undeveloped areas, and broke all records of production, new frontiers of economic progress were discovered. And nowhere was the promise of industrial prosperity brighter than in the fifteen states west of the Missouri River and north of Oklahoma. This vast region contains approximately half the land area of the United States; yet in 1939 it supported only fourteen per cent of the population, and the value of its factory products was less than ten per cent of the total for the country. In certain natural resources and agricultural products, however, it is dominant, producing about seventy per cent of the wheat and sugar beets, over ninety per cent of the mercury, copper, and gold, and practically all of the silver. During the war years, manufacturing increased enormously. War plant facilities were expanded to the extent of more than three billion dollars by the end of 1944, and war contracts in the Western states amounted to five times the total value of their manufactured products in 1939. It was apparent that the West had "come of age industrially."

But the future prosperity of the West is not yet assured. In the process of conversion to peacetime production, the full development of this new frontier is threatened by the monopoly control of some industries, discriminatory transportation rates, and cartel agreements to close markets. Aluminum production costs, for example, are higher in the West than in the East and, inasmuch as the Aluminum Company of America controls the industry, the war plants will be closed because they cannot compete independently, or fall into the hands of Alcoa, which will close them because its other plants can be operated more economically. Much the same conditions prevail in the steel industry. Nevertheless, Attorney Berge believes that the West will flourish with free competition if the grip of Eastern privilege can be broken. First, of course, the trusts must be dis-

solved and the cartel system abolished. Then railroad rates must be equalized so that transportation in the West will cost no more for the same distance than in the East. Moreover, the unfair practice of charging Eastern prices plus transportation costs in Western markets for Western-made products ought to be forbidden. In spite of these handicaps, he declares that the economic freedom of the West, founded upon private initiative and fair competition, is not only possible but essential for the welfare of the nation.

JOHN ELY BRIGGS.

State University of Iowa.

They Voted for Roosevelt. BY EDGAR EUGENE ROBINSON (Stanford University: Stanford University Press. 1947. Pp. x, 207. \$3.00.)

"Strange it is that the national government," this volume begins, "has published no complete record of the presidential vote in the United States." Professor Robinson goes far to remedy this incredible deficiency in this companion volume to his earlier monumental work, *The Presidential Vote, 1896-1932* (Stanford University, 1934). Taken together, these volumes place within easy reach of the politician, the scholar, and the public exhaustive statistics on the presidential voting strength of both major and minor party candidates of the last half-century. Except for recent Census Bureau reports, comprehensive midterm election figures are still wanting.

Following the earlier pattern, the present volume arranges ten tables of various combinations in a manner to show the vote (1) nationally, (2) by states, (3) by sections, (4) by states and sections, (5) by counties, (6) by counties and states, and so on. Each table presents a voting panorama and comparison for the last four presidential elections, resulting in the highest degree of convenience. Minor party votes are merely added together and designated as "other vote." The appendix, however, breaks down the vote cast in each state by minor parties. Of added value are plates showing the counties carried by the respective parties in the entire country. The figures are based on the official returns submitted by the states, in many cases corrected by the author on the basis of official county returns.

The figures alone assure the volume a permanent place in the library of every political scientist. Not content with merely presenting statistics, some forty pages of concise, pithy observations are given in answer to questions like: Was there a Roosevelt vote? How did the four campaigns differ? What will become of the Roosevelt vote? Though not detracting from the value of the book, some readers will be disappointed that no effort is made to tell (as the title might imply) which ethnic, religious, and economic groups voted for Roosevelt. Among the scores of conclusions, many already forgotten, are that there was no "national vote" for F.D.R.,

that "the electorate was seriously divided in each presidential election," causing "genuine uncertainty as to the outcome of each test," that a "great nation-wide minority . . . voted positively and vigorously in the negative," and that Mr. Roosevelt's leadership was "in the American tradition of opportunism."

This reviewer finds some statements in need of expansion, such as the concluding one that "in the twelve years as leader, Mr. Roosevelt was not one man with one program, but several men with several programs. But whereas his leadership appealed at times to reformers, to radicals, to labor leaders, to business men, to 'internationalists,' rarely did it appeal to all of them. At no time did it have a particular appeal to leaders in the area from which he was seen to draw basic Democratic strength, that is, the South. . . . Without the certainty of Southern support, Mr. Roosevelt's programs, speeches, actions, and methods of procedure must have been very different, *for in the nation outside the South he was a minority leader with a temporary majority*" (p. 184. Italics mine).

HUGH A. BONE.

Queen's College.

The Wallaces of Iowa. BY RUSSELL LORD. (Boston: Houghton Mifflin and Company. 1947. Pp. 584. \$5.00.)

Few people in active politics have occasioned more controversy than Henry A. Wallace. Impractical, dreamer, messianic, unpredictable, wise, farseeing, rash—all of these terms have been used to describe the former Vice-President. With such contradictory opinions held by intelligent citizens, we may at least conclude that Henry A. Wallace is a challenging person. Even his closest devotees alternately blow hot and cold in their judgments of him. One of his fairly consistent admirers recently wrote of him: "Mr. Wallace's 1947 trajectory through international politics has been attended by so much obvious buzz and splutter that only his most constant friends have been able to disregard the rich, comic tinge to his passage."

While the man still lives, we are not able to come to definitive conclusions about him; but Russell Lord does an exemplary job in helping us come to a better understanding. Wallace emerges from Lord's first-rate analysis more wise, more sound, more able, and even more politically sagacious, than many doubtful citizens are ready to admit. If he believes a certain course of study or action necessary, he is pictured for us as a persistent and energetic and dogged pursuer of the end he has in view. While he does not possess the intellect of the genius, he would seem at least to rate a good "A-." Sincerity, unfailing honesty, and more than enough seriousness for one person naturally make him an uncomfortable associate for the run-of-the-mill politicians. Nor is he, as some people

believe, a babe in the woods in politics. He knows the game, even if he shows some unorthodoxy in using its techniques. Were he not of pretty tough fiber, Mr. Wallace should have a brief span of existence, for few people in public life feel more personal pain at the other fellow's misfortunes. It is this characteristic that leads him to suggest and espouse remedies for social ills that break all precedent and shatter conservatives' nerves. From his intense religious disposition, he knows the dignity and worth of man.

From Mr. Lord's extensive biography of Henry A. Wallace, one gets several fairly complete biographies of other men in public life. Aside from the other Wallaces, we have M. L. Wilson, Milo Perkins, Jesse Jones, Jérôme Frank, Rexford Guy Tugwell, and others. The sections devoted to Tugwell are more extensive than the others and give us an excellent picture of this controversial and able member of the Roosevelt brain trust.

So many Wallaces are under consideration in the first half of the work that the reader is not always sure which Wallace he is reading about. In addition, some of the sections on the ways and means and problems of agriculture being quite technical, it is difficult for any but agricultural specialists to understand them. Too much of the work is on family background; however interesting the family is, one may draw the unkind conclusion that the best part of the Wallace family, like the potato plant, is under ground. That we cannot admit.

JEROME G. KERWIN.

University of Chicago.

Governments and Politics Abroad. EDITED BY JOSEPH S. ROUCEK. (New York: Funk and Wagnalls Company. 1947. Pp. xi, 585. \$4.00.)

The authors are Joseph S. Roucek, editor and professor of political science at Hofstra College; Floyd A. Cave, acting head of the division of social sciences at San Francisco State College; W. L. Hindman, associate professor of political science at the University of Southern California; Glen E. Hoover, head of the department of economics and sociology at Mills College; and Thorsten V. Kalijarvi, principal analyst, European Affairs, Legislative Reference Service, Library of Congress. Of the eighteen chapters, Roucek wrote nine, Cave five, Kalijarvi two, and Hindman and Hoover one each. The jacket informs us that the book "covers the historical background of the peoples and politics of more than thirty-three countries, bringing history up-to-the-minute"—the "minute" to which allusion is made being indicated as the "fall of 1946." The governments of China and Japan "have been omitted only because the pattern of governments and politics there has not crystallized to any considerable degree.

(although the same criticism can be made in regard to the chapters on Germany and Italy)."

There appears to be an inconsistency between the first two words in the title and the last paragraph of the preface—where the approach of the volume is set forth: "In regard to the frequent comment that the teaching of comparative government is now more in the field of history than in that of political science, it is necessary to say a few words. This presumption is frankly taken for granted in the present volume, for we are living through a historical period of rapid transitions, characterized by frequent changes in political systems." To press this contention to its logical end is to engage in the study of comparative government on the basis of dispatches in today's newspaper—news dispatches, be it understood, which are written by men not trained to look for things which political scientists seek. Even this book will be almost 365 issues behind the *New York Times* when it is read by students in the fall of 1947.

Quotations in the preface from the "Report of the Research Panel on Comparative Government," published in this *Review* for 1944, are employed, partially to justify the inclusion of so large a number of governments. But the importance of some of the number to world politics is also mentioned.

Such kaleidoscopic treatment in 571 pages results in only 265 pages for the "governments" of Great Britain, France, Germany, Italy, and Russia. Great Britain and the Empire have 110 of these (a good brief review), leaving less than fifty for Germany, and less than forty for France, for Russia, and for Italy. Even these brief treatments place the emphasis upon the "rapid transitions" and the "latest changes." The German Empire, World War I, and the Weimar Constitution require less than three pages, while National Socialism rates twenty-five. Three times as much space is given to the Vichy régime as to the Third French Republic. (But many laws enacted during these earlier periods are now being restored in either original or modified form, and we must study them also in getting "up-to-the-minute.")

The usefulness of the book will depend upon the instructor and the course. It will depend upon the instructor because some—lacking what Beard calls the "omniscience necessary to understand the omnibus" in this amplitude of coverage—will find it necessary to have one book and cling to it both for assignments and lectures. It will depend upon the type of course, that is, whether the motif is *recent politics* in many states or *government* in a few.

J. G. HEINBERG.

University of Missouri.

Diplomacy by Conference; Studies in Public Affairs, 1920-1946. BY THE RT. HON. LORD HANKEY. (New York: G. P. Putnam's Sons. No date. Pp. 179. \$3.00.)

This book consists of speeches and papers (most of them previously published and some of them revised) on diplomacy, on imperial organization, and on British defense. The author has had the longest, most successful, and most useful career of all those British officials whose business it is to facilitate the work of politicians and statesmen. After appropriate apprenticeship, he was secretary of the Committee of Imperial Defense, secretary to the British delegations to the Paris and Washington Conferences, first secretary to the cabinet (from the beginning of the cabinet secretariat in 1916), and clerk of the Privy Council. Eventually he became a member of Mr. Chamberlain's cabinet. It is a long and impressive career, and these records of it, though fragmentary, are invaluable to students of English government and politics.

The essay which lends its title to the book is an admirable study of the development of Allied policy by means of frequent conferences of Allied leaders during the war of 1914-18 and the peace negotiations that followed. Most of the other papers deal with administrative organization, particularly of the cabinet and of the Committee of Imperial Defense. On the administrative side—and Lord Hankey was always what the English call an administrator—the author's knowledge and experience make his touch unerring. He discusses the way in which the cabinet was organized, historically, to make and to record decisions, and the cabinet secretariat established in 1916 on a formal basis to do what had been done informally and ineffectively in the nineteenth century. His review of history, particularly recent history, is full of the sort of hints for administrators which only the veteran can give. When he discusses the Committee of Imperial Defense, which he served longest, he throws light on many dark problems of English policy before and after the war of 1914.

The rest of the little volume consists of papers on British armament and on the "empire." In discussing these matters, Lord Hankey makes judgments which do not seem as much related to his administrative experience as to an underlying political point of view. There are many curious and suggestive *obiter dicta*, such as that disarmament is bad since it causes the military spirit to decay, was one of the causes of the decline of the Roman Empire, and may have contributed to the English unemployment of the 1920's (Chapter V); that "we should aim at greater self-sufficiency within the Empire" (p. 158); or that foreign affairs "in its wider as distinct from its technical aspects" might best be dealt with by the Committee of Imperial Defense" (pp. 166-171); or that, as to the system of world organization, "I confess I have always been a doubter" (p. 165).

Perhaps the final paragraph of the "Foreword," dated April 26, 1946,

might be quoted to show the point of view: "The nations of the British Commonwealth, keeping in step with the United States of America, all inspired by faith, hope, and charity, the basic principles of Christianity, provided they maintain their unity and strength, can face the future with confidence until the day comes—and may it be soon—when the problems of World Organization can be solved."

As the publication of a man in the middle of things, who saw many of the storms rage, this volume is in the small class of important records by men trained to observe and to record.

EUGENE P. CHASE.

Lafayette College.

Pearl Harbor; The Story of the Secret War. BY GEORGE MORGENSTERN.
(New York: Devin-Adair Company. 1946. Pp. xv, 425. \$3.00.)

This book, by an editorial writer for the *Chicago Tribune*, is in large part a prosecutor's brief; the author is concerned to place responsibility for the unhappy circumstance in which the armed forces of the United States were "sitting ducks" for the sudden Japanese attack on Pearl Harbor. Adhering closely to the evidence compiled in the Roberts Report, by the Army Pearl Harbor Board, by the Navy Court of Inquiry, and in the Joint Congressional Committee Report, he boils down the mass of material to essentials and concludes that top administrative and staff officials in Washington were guilty of culpable negligence; the indictment centers on the late President Roosevelt and his close advisers, Secretaries Hull, Knox, and Stimson. Cracking the Japanese code gave Washington information which was not passed on to Admiral Kimmel and General Short, and revealed a Japanese cabinet crisis which was ignored. Kimmel and Short were inadequately and inaccurately warned. The famous "winds message" was intercepted on December 4; a secret communication from Tokyo to Japanese emissaries abroad, it revealed preparations for immediate hostilities. General Marshall did not see the first thirteen parts of Japan's final reply to Hull's proposals until late Sunday morning, December 7, and even so, he did not get directly in touch with General Short; instead, he chose a slower form of communication which reached Hawaii only after the attack. Mr. Morgenstern also dwells upon some embarrassments: pressure for silence, bad memories, disappearing files, and the search for public scapegoats.

Unfortunately, the author does not confine himself to the task for which the evidence is appropriate. Between extensive quotations (eighty per cent of the text), the reader is pelted with a series of sweeping dicta which reveal the purpose of the book in different terms. Mr. Roosevelt's policy teased the Japanese into an attack (p. 116)—largely the result of deliberate scheming by the late President (p. 35), who was pursuing a career as

a one-man general staff (p. 57). "It was only when Japan began to impinge upon the prerogatives of the Western imperialisms that the President began to display symptoms of the moral outrage he usually reserved for Hitler and Mussolini" (p. 98). "Enough has been uncovered to provide the shadowy outline of a monstrous, unbelievable conspiracy" (p. 219). Mr. Roosevelt managed things so that he would be absolved of his promises not to send Americans into "foreign wars" (p. 267). "... Stimson's view was that it was patriotic to go to war for the British and Dutch Empires and unpatriotic to try to stay at peace" (p. 309). The administration engaged in a *secret war* "against nations which the leadership of this country had chosen as enemies months before they became formal enemies . . ." (p. 330).

It is not unfair so to quote the author; these themes appear very frequently, and seem unrelated to the supporting materials. The study also suffers grave distortion by being focused primarily on the year 1941. Forty years of diplomacy in the Far East are completely ignored. Excessive reliance upon the views of Admiral Richardson, E. Stanley Jones (a respected Protestant missionary), Albert Jay Nock, and the Congressional minority report constitute something less than "careful scholarship." An assumption pervades Mr. Morgenthau's case: all mistakes and omissions were part of a deliberate plot; the causes of Pearl Harbor and the causes of war with Japan were synonymous, and had errors not been committed, war would have been avoided. One can take the same data, accuse the blunderers as unpitifully, and still not conclude that America was duped into war by an unscrupulous führer who tried to force "humiliating" (p. 310) concessions upon a country reduced to "desperation" (p. 284), and who then under pressure from foreign countries like China refused a *modus vivendi* just when the peace-loving Japanese were looking for a way out. This *may* be true, but most of us will want something more substantial than Mr. Morgenthau's blind anger before believing it.

RICHARD C. SNYDER.

Princeton University.

Sotäätisyllisemme sättytalossa. BY TOIVO T. KAILA. (Helsinki: Söderström Publishing Company. 1946. Pp. 234. 125 mk.)

Two dates—November 15, 1945, and February 21, 1946—loom large in this excellent first account of Finland's "Nuremberg" written by one of the judge-alternates. It was on the first of these days that eight war-time leaders of the country were brought before a special War Crimes Tribunal; among them were a former president (Risto Ryti), two premiers (J. Rangell and E. J. Linkomies), four ministers (A. Kukkonen, H. Ramsay, T. Reinikka, and V. Tanner), and a diplomatic envoy to Germany (T. Kivimäki).

The defendants were charged with having influenced "in a decisive

manner . . . Finland's entry into war in 1941 against the Soviet Union or Great Britain," or with having "prevented the establishment of peace." Among the specific accusations leveled against them during the three and one-half months' trial were: they had failed to demobilize Finland's army after the Moscow Peace of 1940; they had made transit facilities available to German troops during 1940-41 and permitted their quartering on Finnish territory; upon the outbreak of German-Russian hostilities, they had allowed Finnish troops with their German allies to invade and occupy Russian territory; they had failed to heed the warnings of Great Britain and thus brought upon Finland a formal declaration of war in December, 1941; they had not availed themselves of American overtures (August-October, 1941; March 20, 1943) looking toward Finland's withdrawal from the war; they had rejected the Russian terms offered by Molotov in late March, 1944, in discussions with J. K. Paasikivi and Carl Enckell; they had acquiesced in Ryti's initialing the Ribbentrop agreement of June 26, 1944.

The defense, headed by Hjalmar J. Procopé, former minister to the United States, challenged the legal basis of the proceedings, insisting that the War Crimes Statute of September 12, 1945, was in violation of all "Western concepts of justice." The tribunal, twelve of whose fifteen members (all Finnish) were laymen selected by the Diet, was accused of deliberate bias: evidence was not always admitted; speeches of the defense were interrupted by the court. Nothing, complained Procopé, could be said of Finnish-Russian relations of the 1939-40 period, no derogatory statements made about any of the victorious powers. Outside pressures, symbolized in Article 13 of the Finnish-Russian armistice, were making mockery of the trial. "This," expostulated Tanner, is "exclusively a political affair!"

February 21, 1946, was Verdict Day. The decisions, providing for terms of imprisonment ranging from two to ten years, were not unexpected. As a matter of fact, two days earlier the chairman of the Diet had spoken the following words to his countrymen: "The armistice agreement is now our most important constitutional law. Article 13 thereof is to be fulfilled. . . . If our verdicts do not satisfy the Control Commission, it will mean that we have not fulfilled Article 13, and from this may stem the most serious consequences."

Dr. Kaila, while an old friend of the Soviet Union, does not attempt to hide the fact that Article 13, the known wishes of the Allied Control Commission, the demands of the Soviet Union, all hung like a sword of Damocles over the trial. Yet the evidence, incomplete though it is, does not completely exonerate Finland's war government. The transit agreements with Germany and the presence in the country of a substantial number of German troops invited Russian retaliation; crucial decisions were sometimes made by the military leaders without the foreknowledge

of the cabinet; the conduct of relations with England and the United States was tragically clumsy; among high officials there persisted a powerful, if unrealistic, faith in the ultimate defeat of Russia and the retention by Finland of its 1939 frontiers.

The unavoidable penalties of a first study in this area are heavy; the volume of Dr. Kaila suffers from a lack of complete data, absence of a careful sifting of accusations and counter-charges, and limited perspective growing out of the narrow margin of time between the events and their interpretation. But there are rich compensations: the book is written in a vivid style; it captures remarkably well the color and drama of this brief moment in Finland's history. It deserves more than a Finnish audience.

JOHN I. KOLEHMAINEN.

Heidelberg College.

Full Powers and Ratification; A Study in the Development of Treaty-Making Procedure. BY J. MERVYN JONES. (Cambridge: University Press. 1946. Pp. xv, 182. \$2.75.)

This small treatise is a succinct account of the changing forms and practices of states in granting "full powers" and in ratifying international treaties. It is the second volume to appear in a new series of Cambridge Studies in International and Comparative Law under the editorship of Professors Gutteridge, Lauterpacht, and McNair. As a comprehensive historical account and an analysis of the reasons why modern procedure has achieved the forms and meanings which it has attained, it is an important contribution to the literature of international and constitutional law.

The author introduces his subject by noting that within the past three hundred years significant alterations have taken place in the procedures employed by states both in granting full powers and in ratifying treaties, as well as in the concepts which have attached to these procedures in the principal treaty-making states. This he finds to have been due in part to changing constitutional theories and régimes, stemming in large measure from the French Revolution and the United States Constitution, whereby the prerogatives of the chief of state were limited and the powers of the deliberative branch of government augmented. Mr. Jones' study further reveals that these changes have been stimulated by the changing types of international agreements which have come into modern usage, particularly the intergovernmental agreement. Formerly, the production of full powers was "literally the basis of the negotiation and signature of treaties." Signature was a provisional acceptance of the treaty, and, according to the author, created an obligation on the part of the head of state to ratify within a given time. Ratification, in short, was principally an authentication of the authority under which the agent had acted, not an approval of

the substance of the document itself. Since the adoption of the United States Constitution, with its attendant admission of the Senate to the treaty-making power in this country, American law first, and subsequently legal opinion in other countries, has led to the now generally accepted proposition that no rule of international law is violated if a state refuses to ratify a treaty which its diplomatic representative may have signed under full powers. In other words, full powers conferred upon a treaty negotiator today are evidence only of authority to negotiate and sign, "but no more than that." Moreover, ratification today is fundamentally a second step in the act of acceptance of the contents of the treaty. Another evolution which Mr. Jones notes is that full powers are now given by the foreign secretary as well as by the head of state. This has been the consequence of the development of the intergovernmental agreement. In comparing ratification procedures and theories, the author observes that the United States stands alone in preserving the legal concept that ratification of treaties is retroactive to the date of signature.

This study is well written and documented. Sample forms of full powers and instruments of ratification are contained in a brief appendix. The practice of many European and American states is examined up to the outbreak of the recent war. In addition, the author has added some observations on the bearing of the United Nations Charter upon the subject.

NORMAN J. PADELFORD.

Massachusetts Institute of Technology.

Approaches to Group Understanding; Sixth Symposium. EDITED BY LYMAN BRYSON, LOUIS FINKELSTEIN, AND R. M. MACIVER. (New York and London: Distributed by Harper and Brothers. 1947. Pp. xxv, 858. \$5.00.)

The sixty-seven papers included in this publication were prepared by anthropologists, sociologists, historians, economists, political scientists, philosophers, theologians, and others for the sixth meeting of the Conference on Science, Philosophy, and Religion in Their Relation to the Democratic Way of Life. The meeting was held on August 23-27, 1945.

The subject of the symposium originally was "Bridges for Cultural Understanding." While the substitution of "approaches" for "bridges" is perhaps symbolical of the gap between the ambitious aim of the Conference (as expressed by its executive committee) and the performance of the participants, the substitution of "group understanding" for "cultural understanding" is misleading. There is too little constructive thinking to suggest bridge-building, and the papers concern themselves in the main with cultural rather than group understanding in general.

The task of the Conference, as stated by its executive committee, was to bring about "adequate interchange of thought" on "the problem of edu-

cating ourselves, so that we can help educate other nations, to such a love of peaceful pursuits and goals as will make the possession of vast power by our generation an asset rather than a liability." Recognizing that "the problems of our age are largely problems of emotional response," the committee believes that "they must be met on an intellectual level, in the hope that it will be possible for reasonable men to bring about constructive changes in human outlook even in terms eventually of our emotional responses."

The committee's statement is obviously predicated on the assumption that human initiative can be an efficient source of an improvement in group relations. However, while its aim is stated in terms of what ought to be, the individual papers are largely discussions of what has been and/or what is. This is probably to be expected from a conference which admittedly was an initial step. Nevertheless, even the initial thinking about ways and means of bridge-building among groups should be bold, imaginative, and constructive. In this instance, while most of the thinking is erudite, it is, to say the least, cautious and pedestrian. The fault may lie in the subject as it was originally posed and in the questions that were submitted to the participants. Furthermore, certain of the limitations are inherent in the nature of the disciplines represented, with the possible exception of the social sciences. The main preoccupation seems to be with cultural syncretism. Any attempt at such integration is a highly worthwhile undertaking. But, while desirable in itself, it is difficult to see what contribution such a development would make to group understanding, save to produce a politically ineffectual cosmopolitanism. Without attempting to disparage such an achievement, it is probably not out of order in this time of political stress and strain to ask whether such cultural understanding would also produce economic and political concord. The question might even be raised whether there is historical evidence to support the assumption that the desired degree of cultural integration of the world can be achieved prior to its political unification.

HENRY JANZEN.

Pennsylvania State College.

Marxism and the Democratic Tradition. BY A. LANDY. (New York: International Publishers. 1946. Pp. 220. \$2.50.)

The Christian Significance of Karl Marx. BY ALEXANDER MILLER. (New York: The Macmillan Company. 1947. Pp. 117. \$1.75.)

Landy's book is of interest for those anxious to read a study of the rise of modern democracy written from a Communist-Marxist point of view. The author avoids an openly propagandistic approach, though the fundamental scheme of his presentation corresponds to orthodox Marxism-

Leninism. Modern democracy comes to the fore by the bourgeois revolutions in England, America, and France in the seventeenth and eighteenth centuries. But even here the people—represented, for example, by the Levellers in the England of Cromwell—must drive the development forward and prevent compromises with reactionary feudal forces. In the nineteenth century, with the victory of capitalism, political democracy proves insufficient; Marxism is the expression of complete social and economic democracy. Landy is eager to point out that democracy and Communism have the same roots and that today Communism and the U.S.S.R. are the exponents of democracy fighting against monopoly capitalism and its various manifestations. Marxist criticism of property, Marxist theory of the class struggle, and the dictatorship of the proletariat, reemphasized by Lenin, are pictured as fulfilling, not as opposing, democratic developments.

Those who will regard the fundamental scheme of the book more or less as a straight-jacket into which historical periods are put may read with profit some individual analyses, *e.g.*, the discussion of Jefferson's attitude toward Napoleon (p. 79) or the survey of the Hegelians (p. 123 f). It is not surprising that the Communist author quotes Marx as the final authority on historical questions.

The Christian Significance of Karl Marx will disappoint readers looking for a systematic or historical discussion of the views of Marx and Marxists on religion. The first three chapters restate the philosophy of history of revolutionary Marxism, using particularly the Communist Manifesto. The fourth chapter quotes some critics of Marxism—Eastman, Koestler, John Macmurray. The remainder of the book tries to show that Christianity cannot identify its Kingdom of God with Marx's classless society, but on the other hand that it must take Marxism seriously as an interpretation of political and social reality capable of inspiring heroism and high virtues in some.

These reflections of a Presbyterian minister from New Zealand have the merit of warning against the over-simplified antithesis, materialism-idealism; but at the same time Marxian theories are too easily accepted and not sufficiently analyzed. The author manifestly writes, not as a student of political theories and movements, but as a spiritual and ethical adviser for whom Marxism educates the Christian to face challenges and not to avoid them by vague generalities and cheap escapes into an abstract idealism.

WALDEMAR GURIAN.

University of Notre Dame.

The Political Philosophy of Mahatma Gandhi. BY G.N. DHAWAN. (Bombay: The Popular Book Depot. 1946. Pp. xvi, 354. Rs. 8/8.)

Western writers reiterate that this is a day of mankind's writhing in the

depths of moral crisis. Among those giving serious attention to political thought are some who sense the inadequacy of the still current conceptions of the state regarded as predominantly coercive power. Meanwhile the impact upon each other of East and West brings forth, now and again, some fruit of the travail. Such is the political philosophy—properly so-called—of Mahatma Gandhi, here systematically set forth by Dr. G. N. Dhawan, of the department of political science, Lucknow University, in what originally was presented as a well documented doctoral dissertation, now published with an appreciative foreword by Sir S. Radhakrishnan of Benares Hindu University.

It is perhaps hardly to be doubted that we have here represented "the most original contribution of India to political thought and political practice" (p. 2). Dr. Dhawan shows its relation and its debt to forerunners of India, Islam, China, Greece and Rome, Judaism, Christianity, Medieval Europe, Quakers and Doukhobors, and to Thoreau, Ruskin, and Tolstoi. Gandhi confesses himself to have been influenced most of all by the *Gita* and, next to this, by the Sermon on the Mount.

Gandhi's metaphysical convictions here analyzed include a conception of primacy of the spirit markedly akin to that of the Christian tradition; also of freedom of the will within the limits of *karma*, and of rebirth as a process in the working out of justice. No evil means may be justified by the ultimate good. Right means and the good end constitute an integral whole. Yet human limitation may necessitate a compromise upon the imperfect.

The entire Gandhian philosophy is derived from the principle of spiritual unity. Man being rooted in *Satya* (to be identified with God, Soul Force, Moral Law), his growth and expression require him to know and to hold fast to this—the universal good. *Satyagraha*—a term coined by Gandhi—is the relentless pursuit of truthfulness by non-violent means. It is to be distinguished from passive resistance as known in the West in that the aim of passive resistance is to embarrass the opponent into submission, while in *satyagraha* the aim is "to wean him from error by love and patient suffering." It is Gandhi's immovable faith that *satyagraha* has such superiority over physical force as to entail less of being killed than will any policy of violent resistance. *Ahimsa*, the truly spiritual non-violence which seeks always the true good of the enemy, is at once a revolutionary mode and that positive principle of the regenerate state which is India's promise to the world.

The fifteen items that constitute the program upon which is proposed the growth of the non-violent state include: (1) communal unity; (2) removal of untouchability; (3) prohibition; (4) *khadi* (the clothing handicraft through which the millions may receive self-realization); (5) other village industries; (6) new or basic education; (7) adult education; (8)

village sanitation; (9) service of backward tribes; (10) uplift of women; (11) education in hygiene and health; (12) propagation of Hindustani as the *Rastrabhasa*, in addition to the cultivation of Indian languages for the political education of the masses; (13) love of one's language; (14) working for economic equality; and (15) organization of peasantry, labor, and students.

The aim is a classlessness and, so far as the state is a coercive power, a statelessness. The ideal society will remain, however, always unrealizable. The structure of the realizable state, as representing the first step after the revolution, towards the ideal, is that of a middle way, in which a degree of socialized and centralized production necessarily will exist, but in which socialization in the main will be tacked to handicrafts rather than to centralized production. The pace of progress must not be forced—not even toward the ideal of non-violence. "Rights are created . . . not by the state or by any other group, but by the individual himself as he develops fitness for the right by the pursuit of truth and non-violence" (p. 305).

This is not a book for the casual reader. One may sense, moreover, a slight degree of repetitiousness. Yet written in simple and forceful style, it carries a good deal of conviction. The publishers are justified in regarding the study as an "impressive and stimulating," even a "unique, contribution to the Philosophy of Non-Violence."

WALTER SANDELIUS.

University of Kansas.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

To the several indexes and other aids already available to the numerous users of the documents of the national government has now been added a very practical and helpful *Subject Guide to United States Government Publications*, (American Library Association, 1947, pp. x, 228, \$5.00), by Herbert S. Hirshberg and Carl L. Melinat, specialists in the field of library science. This index is "by subject only" and very limited in scope. As the authors explain in the preface, it "represents a selection of those books and pamphlets, most of them published during the past twenty years, believed to be most generally useful in libraries. There has been no attempt to include all publications on a particular subject." One conspicuous omission is committee hearings. Thus, to the graduate student and to the specialist engaged in exhaustive research, the *Guide* will seem fragmentary and inadequate, except as a place in which to look for first clues. To the general student-body in school and college and to the many interested organizations of the general public, as well as to the reference librarians who assist them, it will be like a streamlined train for time-saving. Per-

haps the good work can be continued until there is, for public documents in general, something comparable to the amazingly complete digests of court decisions now on hand in law libraries and offices. One merit of the current volume is that its limited size and price put it within the reach of individuals who need desk copies.—ARNOLD J. LIEN.

During a period in which the armed services are undergoing a drastic reorganization under the recently adopted unification program and a military service bill is being currently debated, Joseph C. Duggan's *The Legislative and Statutory Development of the Federal Concept of Military Service* (Washington: The Catholic University of America, 1946, pp. xxi, 178, \$2.00) is especially timely. The author treats the development of the conscription principle from the first proposals in the colonial period through the various legislative, legal, and administrative phases, its place in the constitutional system, and how the courts have interpreted the several acts. The technique used to accomplish this purpose is a meticulous and scholarly tracing of all the significant steps of the process. Mr. Duggan finds that there was considerable support for conscription in the pre-Constitution days and that there is no doubt that the Constitution sanctions what he considers to be a sovereign power. He carefully records the unfortunate experience of the Conscription Act of 1863 and blames its failure primarily on the rôle of the military in its enforcement and the inglorious provision of permitting substitutes to serve for the selected citizen. Nevertheless, he regards this legislative enactment as affirming a worthy principle and as finishing a foundation for building an improved structure. The act of 1917 provides this improvement in most respects, the notable exception being the provision which subjected all selectees to military regulations from the moment they received their induction notices. The author believes this weakness, and in fact all others peculiar to conscription legislation, to have been remedied in the Selective Training and Service Act of 1940. He is extremely enthusiastic in his praise of this legislation as the culmination of the development of the democratic process of selecting citizens for warlike duties. According to Mr. Duggan, the only step forward that can be taken in the future is the translation of these tried and true principles of temporary military training into a permanent universal service program. His treatment of the decisions of the courts in interpreting and deciding the constitutionality of conscription laws is particularly thorough. He portrays how the establishing of the validity of the act of 1918 formed the basis for proceeding after 1940 without the necessity of being constrained by doubts relating to the determination of fundamental constitutional questions. The expanding concept of the proper determination of conscientious objectors is an interesting feature of the author's legal analysis. This study is a useful

contribution to an understanding of the legislative and legal development of compulsory military service. Mr. Duggan has carefully footnoted his materials and so thoroughly treated the subject that he can be pardoned for occasional paragraphs expressing intense partisanship for universal conscription.—CONLEY H. DILLON.

Los Angeles County as an Agency of Municipal Government, by George W. Bemis and Nancy Basché, was prepared and published under the direction of the John Randolph Haynes and Dora Haynes Foundation (Pasadena, California, 1947, pp. xv, 105). The rise of metropolitan districts presents us with one of our most acute growing governmental problems of today. Such a district is not a political unit, but rather an area including all the thickly settled territory in and around a city or a group of cities. These swelling areas present problems not simple, inclusive, or perfect of solution. Two general methods have been proposed to meet the problem. First, there are coöperative enterprises which require little or no structural changes in existing political units. Second, there are those methods which necessitate fundamental organizational changes. The present study is part of a fourfold analysis of the economic, governmental, physical, and social structure of the Los Angeles metropolitan area. In the words of Professor Cottrell, who wrote the foreword to the study: "The machinery proposed by this study is not a solution of the metropolitan problem but, on the other hand, it is a long step in the direction of meeting one of the most unsatisfactory situations in any congested region. It is simple in form, workable in its administrative procedure, optional in control, and productive of more efficient and economical functional services than any plan proposed heretofore." The study avoids recommending consolidation of city and county, the merger of all special single-service districts with the city or county, the borough plan, or any other. Instead, it presents a complete study of the Los Angeles metropolitan area; and suggestions are made to meet the needs found. The administration of municipal-type services by Los Angeles county is described and analyzed in detail. By portraying conditions as they exist, the volume will no doubt arouse public interest and promote beneficial results. No proposals for forced annexation or consolidation of existing governmental units are advanced. The study is studded with charts, tables, and maps, and gives the appearance of a well done and carefully written report.—STUART A. MACCORKLE.

There has never been anything static about American rural life; it has always been in a state of transition. It is probable, however, that the years immediately ahead will witness more rapid and profound changes than any preceding period. Mechanization is changing the size, the character,

and the personnel of the farm enterprise. This in turn will affect the rural community. It may be enriched or it may be destroyed. The fate of each community will depend largely on how well its local leadership identifies and meets the impact when it comes. In *Our Rural Communities* (Public Administration Service, 1947, pp. 201, \$2.50), Miss Laverne Burchfield has provided rural leaders a brief analysis of a dozen contemporary rural problems and a guidebook to published materials on them. The book represents an expansion of a digest prepared in connection with the 1944 Conference of the American Country Life Association. Its purpose, as stated in the forward, is "first, to present a brief picture of the major problems that challenge our rural communities today, and, second, to provide a guide to the very considerable body of literature that has grown up around these problems." There are thirteen chapters. Among topics treated are schools, library service, the church, medical care and health services, recreation, housing, local government, and community organization. The introductory statement in each case is little more than a springboard, but an examination of a fair sample of the references appended would enable one to speak with some authority on the given subject. Even so, there are surprising omissions in some of the bibliographies. If one expected the book to be a sociological or political analysis of our rural communities, he would be disappointed. It is a guidebook and little more. But if one wanted to start a library or to start to educate himself on contemporary rural problems, the book would be a good one with which to begin. To the extent that rural pastors, teachers and civic leaders make such use of it will its larger usefulness be measured. Certainly in facilitating the education of those who must come to grips with the challenging problems of rural life, the American Country Life Association has rendered a distinct service.—PAUL W. WAGER.

Emma Octavia Lundberg, in *Unto the Least of These: Social Services for Children* (Appleton-Century, 1947, pp. xi, 424, \$3.75), presents by picturesque analogy to tapestry the theme that the whole child is indivisible and must be understood, planned for, and served as such. This attempt to integrate programs of social service in order to produce a unified personality is not a new idea, but Miss Lundberg's presentation is informative, timely, and readable. She stresses the interrelationship of home, school, and social agency, as well as the common aims of public and private activities in behalf of children. Her description of agencies and associations bespeaks the need for coöperation. Her discussion of the "three-fold cord" of federal, state, and local government service is accompanied by a "three-fold approach" of medical, educational, and social welfare. She constantly emphasizes the need for every child to have full opportunity for personal development regardless of economic, educational, or racial background. The author's career in the United States Children's Bureau

has given her valuable experience, free access to important documents, and associations with many prominent leaders in the field of child welfare. The mass of historical data and factual material make the book valuable for reference. The chronological account of events is enlivened by biographical sketches of twenty leaders in the field. The critical analysis of periodical sources and White House Conference Proceedings and the annotated bibliography are helpful additions. Miss Lundberg ties up her material with an excellent chapter on the legal aspects of child care and outlines a program of needed legislation which should be an effective guide to legislators and social workers. Her criticism of social work terminology is refreshing; her emphasis on mental hygiene and needs of the rural child are significant; her crusader approach is shown in her frequent use of symbolism, analogies, figures of speech, and selected quotations which are sometimes effective but tend to grow monotonous.—FRANCES P. DELANCY.

Our knowledge of political institutions in the United States owes much to the painstaking efforts of scholars who analyze and report experience in the various states. In *The Direct Primary in Idaho* (Stanford University Press, 1947, pp. 149, \$3.25), Boyd A. Martin contributes an important item to the literature of popular government. In 1903, Idaho began to regulate party nominating machinery by requiring a primary election to select delegates to the conventions. In 1909, the state adopted the direct primary. After ten years, however, it repealed the law, leaving the primary for certain local offices only. When the Non-Partisan faction was permitted to invade the Democratic primaries, political leaders persuaded the legislature to restore the convention method. Senator William Borah and his Progressive supporters continued to work for the return of the direct primary; and in 1931, a split in the Republican party permitted it. Idaho continues to have the primary, although a repealer was defeated in 1943 only by gubernatorial veto. Professor Martin has striven to compare results of the convention and direct primary systems as they have operated within the thirty-year period. Opinions of party leaders, local officeholders, and newspaper editors throughout the state have been winnowed industriously. The parties are split on the question. Others seem to feel that, even with an open primary, party responsibility has not been lessened. Opinion is about evenly divided on the question of repealing the law. The author suggests that adoption of short ballot principles, a closed primary, and improvement of official publicity pamphlets would correct most of the existing difficulties. The book is well documented, although not to the extent of detracting from its readability.—WINSTON W. CROUCH.

The diversity of opportunities open to an American citizen of ability and initiative is again illustrated in Margaret Clapp's *Forgotten First*

Citizen: John Bigelow (Little, Brown and Co., 1947, pp. x, 390, \$4.00); for, while "Bigelow's chief specific claim to a place in American history lies in his service in France during the Civil War," he also achieved at least a modest level of distinction as a prison reformer in New York, as a practicing attorney, as a journalist and publicist, as an active liberal who found it as difficult as some liberals find it today to remain permanently within any one political party, and as a man who found rich and tangible practical values in his religion. This volume, which is strictly the biography of a man and not the history of an era, is an intimate personal chronicle of the life of John Bigelow, 1817-1911, with meticulous attention given to the details of scenes and settings almost in the manner of a good novelist or after the pattern which might be incidental to a non-professional motion-picture-camera film. It is based upon the study of a formidable array of manuscripts, other source materials, and secondary publications. The Bigelow papers, especially the *Journal*, have been exhaustively used and made the source that colors (sometimes excessively) the entire narrative. Readable and useful as the volume is, its value would have been greatly enhanced had there been a more discriminating selectivity in the inclusion of materials and a more clear-cut delineation and more critical evaluation of Bigelow's place in the America of his day—something to explain, even if not to justify, the use of the challengeable title of "First Citizen" for a man from an era of so many notables.—ARNOLD J. LIEN.

With academic skill and an interesting literary style, Dr. Sidney Ditzion tells a fascinating story in his *Arsenals of a Democratic Culture; A Social History of the American Public Library Movement in New England and the Middle States from 1850 to 1900* (American Library Association, 1947, pp. 263, \$5.00). He brought to his task the experience of the professional librarian together with the scholarship of the trained research worker. The forces, many and varied, which wished to provide free library service to all, in order to strengthen and preserve American democracy, are examined. In the development of free libraries, the concept of service was early seen as one of accommodation to the needs and desires of the mass of voters by whose ballots the libraries were financed and for whose benefit they functioned. In detail and with painstaking care, the transition from private support to public financing by municipal taxation is traced. A bibliography of twenty-one pages lists the extensive sources tapped. Forty pages of footnote references are printed at the end of the volume. Such segregation of documentation no doubt pleases the lay reader, although it is inconvenient for those who are interested in citations. Professor Merle Curti, of the University of Wisconsin, in his foreword, effectively states: "This book will be read by librarians and students of American social and intellectual history not merely within the country itself. We can be sure that this

book will find a place in the collections of the cultural attachés in our legations and embassies and that foreign librarians and students of American civilization will make good use of it."—MONA FLETCHER.

In *Mississippi; Moneys for the Cities* (Bureau of Public Administration, University of Mississippi, 1947, pp. v, 60, free), Robert Baker Highsaw analyzes the revenue system of Mississippi's municipalities. The material for the monograph is taken from census data and from information collected by personal visits and questionnaires in twenty-eight cities in the state, constituting slightly more than ten per cent of the state's municipalities. The study is divided into six chapters, and the written material is supplemented by twenty-two tables. The study points out that municipal revenues in Mississippi, as in other states, are restricted to a few sources, including the property tax, privilege taxes, government aid, and miscellaneous sources, such as earnings, fines and fees, special assessments, and street taxes. These sources for the years 1942 and 1945 are compared with those in other states in the region and with the municipal average in the United States. The study is well organized and written, the authors making very few specific suggestions for statutory or administrative changes, though the final chapter does contain recommendations for strengthening municipal revenues. Undoubtedly, if the suggestions were put into practice, the municipal financial picture in Mississippi would be brighter.—W. V. HOLLOWAY.

To the recent scholarly works on international cartels (*vide* review by Professor Carter, this REVIEW, April, 1947, and Dr. Pritchett's review of Hexner's most recent work in this REVIEW, April, 1946) must now be added Louis Marlio's case study of *The Aluminum Cartel* (Brookings Institution, 1947, pp. xi, 130, \$1.50). A certain depositional character is given this study because the author was for twenty years managing director of the French Aluminum Company and from 1926 to 1939 chairman of the International Aluminum Cartel. To personal knowledge of the inception and operation of the several cartels are added the evidence of business correspondence and the author's private papers and the support of numerous statistical data. Without implying endorsement of the cartel system for other industries, Marlio recognizes "that conditions in the aluminum industry are probably the optimum for making cartelization both efficient and desirable" (p. 114). The author is in complete accord with the proposed solutions set forth in the Department of State's *Expansion of World Trade and Employment* (p. 118). He would add registration of cartels with the international organization and with each government (p. 121).—HENRY REIFF.

The 23,000 natives of Guam prefer to be called Guamanians to Chamorros. Their culture is analyzed in its historical perspective and geo-

graphical setting by Laura Thompson in *Guam and Its People* (Princeton University Press, 1947, pp. xiii, 367, \$5.00), the second edition of which now makes its appearance. Personality development, land tenure, education, religion, and government all come within the scope of the work and are systematically scrutinized. Dr. Thompson is caustic in her criticism of American naval administration in Guam. The Guamanians had achieved some small measure of local self-government under Spanish rule. This went out with the coming of the Americans. Political development, she asserts, was set back a century and held there for fifty years. During this period Congress has protected the natives by no organic act, but has left them severely alone. They have been governed by a naval officer responsible only to the Secretary of the Navy and the President. From what she saw, she concludes that no administrator "can be trusted with absolute power over human beings." The book is well organized and is written in an interesting and appealing style. It is profusely illustrated, and contains a number of usable maps.—RALPH A. NOREM.

South Carolina's Natural Resources (University of South Carolina Press, 1947, pp. xi, 211, \$1.50), by Christian L. Larsen, is the first publication in a series to be brought out by the Bureau of Public Administration of the University of South Carolina. The title is slightly misleading, as the book actually deals with the rôle of the government in the administration of South Carolina's natural resources. Much attention is given to the forest resources program, soil conservation, wildlife resources, electric power development, and recreation. We find that the state has an excellent program of soil conservation, being a pioneer in this field. Likewise a good program has been developed in the field of forestry and recreation. However, the selection of personnel for the various fields has not been free from politics; the state legislature has too much of a hand in personnel; and these shortcomings are brought out by the author. The book is a worth-while publication, and should prove of considerable value to political scientists, not only in South Carolina but in other states as well. The Bureau of Public Administration is to be congratulated upon the high standards set by its first publication.—CULLEN BRYANT GOSNELL.

FOREIGN GOVERNMENT AND POLITICS

A book by David J. Dallin and Boris I. Nicolaevsky on *Forced Labor in Soviet Russia* (Yale University Press, 1947, pp. xv, 331, \$3.75) touches upon one of the thorniest issues about Russia. Books of this sort may produce either a violent controversy or silence. In the first case, one may expect the apologists of the Soviet régime to try to prove the falseness of the author's data and to exploit every little slip in the documentation. Silence, on the other hand, may mean that the book is unworthy of atten-

tion or that there is a desire not to contribute to its publicity. However that may be, the author should always bear in mind that all of his statements will be closely scrutinized, and therefore he should proceed with the utmost caution when writing about especially touchy problems. Unfortunately, this caution does not seem to have been observed adequately by Messrs. Dallin and Nicolaevsky. While providing many well-proved facts, their book contains also undocumented statements. A perfect example of such neglect is the following sentence on page 86: "German documents which fell into the hands of the Allies reveal with how great an interest the German government observed and studied the Soviet system of forced labor. No source is quoted, and we are left in ignorance as to the documents to which the author refers. This is a pity, because the book has otherwise much useful and uncontested information. The bibliography which it provides is rather impressive, revealing the merit of the book and also the handicaps under which the authors have worked. The merit consists in an attempt to put in order, to systematize, numerous accounts originating from such varied sources as a former German woman Communist and a former Moscow university professor. But the authors are handicapped by the fact that many of these accounts came from people who for reasons of security (their own or that of their relatives) preferred to write under assumed names. From the purely scholarly viewpoint, this is bound to produce doubts as to the authenticity of the stories. The authors apparently have sought to counteract this impression by sheer quantity of their material; and this method renders repetitions unavoidable. On the other hand, the fact that a goodly number of men and women of different backgrounds and nationalities have, at various periods in several countries, written essentially the same things about the forced labor system seems convincing proof that their statements are true. The other alternative would be to consider these numerous revelations as "the great conspiracy against Russia." The big question as to how many prisoners Russia keeps in her concentration camps must be left to estimate—which again reduces the scholarly value of the book. On the other hand, the blame can hardly be put on the authors, since it is the Soviet government itself which, by stopping publication of statistics on forced labor, has jeopardized the validity of all other statistics concerning labor and wages, and has given incentive to the rise of most exaggerated rumors about the numbers of prisoners employed. The book is divided into two parts, one dealing with the present state of forced labor in Russia and the other with its history. While the former is more of a compilation of personal accounts, estimates, and deductions, the latter contains interesting quotations from Soviet authors as to the changing concept of forced labor in Soviet juridical thinking and also reveals facts about recent Soviet policy of forced repatriation of Russian citizens from the D.P. camps in

Germany. Despite its shortcomings, the book achieves one end: it shows how inevitably a totalitarian state finally resorts to the device of forced labor, and it indicates to what degree this institution is linked with the economic effort of the Soviet Union. It will certainly not convince those whose only qualification for judging Soviet affairs seems to be their "ardent will to believe," but it may help those who in their objective study of the "socialist sixth of the world" are willing to see both the white and the black sides of the picture.—GEORGE LENCZOWSKI.

In *Your Local Authority* (London: Sir Isaac Pitman and Sons, 1947, pp. 201, 12/6), Charles Barratt describes the development, organization, and functions of the English system of local government and analyzes critically its chief elements of strength and weakness; and his book is a good introduction to the subject. The author believes that vigorous local self-government is a prerequisite for the maintenance of democratic political institutions in the nation as a whole. Therefore he views with some alarm the disinclination of the voters to participate widely in the choice of local officials, and their tendency to accept as inevitable, if not desirable, the rapid extension of national controls over local government. The growth of these controls—legislative, judicial, and especially administrative—is illustrated in such areas as education, police, health, housing, and finance. The section devoted to local finance is particularly valuable. It describes the local taxing system, and contains a critical appraisal of the derating system, further extended in 1929. The extent of national control through grants to local governments is indicated by the fact that approximately one-half of all local income flows from the national treasury. Mr. Barratt is not unmindful of the fact that many governmental functions which formerly were of only local concern are at present necessarily matters of national interest, and he readily admits that if efficient administration were the only standard of judgment, many of the functions still locally managed might better be transferred to the national government, which has more highly trained civil servants and greater financial resources. But he thinks efficient administration should not be the only criterion. In his opinion, the core of the problem of local government lies in the necessity of reconciling the preservation of local public interest in government with efficient governmental organization. Such public interest, he maintains, can be preserved only when the people have a sense of belonging to an exclusive community with a system of government which they can hold responsible through local electoral control. To obtain more efficient administration, he suggests the creation of comprehensive area authorities large enough to plan and administer effectively those governmental services which remain within local control. The volume contains several useful organization charts and maps illustrative of "the local government mosaic."—ELMER D. GRAPER.

Aspects of British Economic History, 1918-1925 (Macmillan and Co., Ltd., 1947, pp. 251, \$4.50), by Z. C. Pigou, is a study of the postwar economic problems following World War I, and was undertaken with the object of throwing light on and providing guidance for the problems to be faced after World War II. Pigou divides the period he is studying into four parts which he calls the Breathing Space, the Boom, the Slump, and the Doldrums. Through each of these parts he traces the matters of employment, production, government intervention in industry, and the monetary factor. His analysis shows errors and weaknesses in policy and the failure of the free-operating economic system to make essential adjustments and to provide adequate flexibility. Unemployment developed because of a lack of mobility of the labor force—it tended to remain in overcrowded industries despite the low levels of wages prevailing in these industries. Levels of production in the postwar period were lower than in the prewar period, partly because of the decline in the shipbuilding industry due to the diminished volume of world trade, and to the decline of about thirty per cent in the cotton piece goods exports—the most important among exports of the United Kingdom. Governmental controls were ended too abruptly, so that the possible powers “to enforce some evening-out of industrial activity” which “might have rendered the distresses of the great postwar depression less serious than they were” were lost. Finally, monetary policy centered around the reestablishment of the prewar gold standard, and a misguided program of deflation resulted. Some of the problems Pigou deals with are those related only to the economic environment of the years following World War I. Others are more abiding, and their analysis may be helpful in dealing with present-day problems.—NATHAN L. SILVERSTEIN.

Again Chatham House puts us in debt to our British colleagues. In Muriel Grindrod's *The New Italy: Transition from War to Peace* (Royal Institute of International Affairs, 1947, pp. v, 118, \$1.50), we have a really adult study of the current problem of Italy. It is calm and free from maudlin sympathy; but, more notably, it abstains from the outsider's usual Pharisaic looking down the nose at all and sundry. The political story is told with limpid clarity, of Italy's harrowing experience from 1943 to 1947, passing from Mussolini to Badoglio, to the German army's tyranny, to Allied Military Government, and the tentative steps toward a new régime. Samples of the valuable *aperçus* scattered through the narrative are the following: (1) by mid-1943 the Fascist party had already become a mere deadweight in Mussolini's bureaucratic machinery; (2) the neo-fascist “republican” movement of late 1943 showed Mussolini again (but this time vainly) making a bid for the support of the proletarian masses of the north; (3) it was a misfortune that liberation had to begin in the south, whose population has ever been less politically minded and could

produce little responsible leadership but no end of personal wrangling, thus inevitably producing in the Allied Military mind a complete misconception of the possibilities of political reconstruction. The famous six political parties are objectively characterized, in their composition, their interrelations, and their internal tendencies toward fission; also the tentative steps toward reconstruction, both of administration and economy and of a documentary constitution; also in large outline the problems of the peace treaty. Much to be appreciated is the convenience of three maps, of a fairly minute chronology of the four years, and of a group of statistical tables which suggest problems of economic reconstruction.—HENRY R. SPENCER.

After a three months' tour of eight European states and Trieste, William Z. Foster, secretary of the American Communist party, has found it possible, in his *The New Europe* (International Publishers, 1947, pp. 128, \$1.25), to present a categorical and polemical analysis of the postwar social, economic, and political conditions in all of those countries. For good measure, he also contributes a "broad grasp" of the problems of Germany, Spain, and Austria—areas he did not visit. The familiar ring of his analysis suggests, at least, how this Herculean task was accomplished. The author's thesis is that a "new-type" of "advanced democracy" which ranges from "social democracy" (e.g., England) to "all-democratic" government (e.g., Yugoslavia), and which arose from the chaos of postwar Europe, is being wickedly threatened by the doomed "cynical imperialism" of capitalistic states and by the efforts of "quislings of Anglo-American imperialism." In spite of the generally unsurprising character of these assertions, the book has a number of interesting facets. The semi-official nature of Mr. Foster's communism provides one. Another is involved in the occasional striking summaries that he makes. Thus, he finds that in Europe, excluding the U.S.S.R. and Germany, 186 million people are governed by régimes which he can either wholly or partly approve, while only 72 millions are not. And again, there are re-introductions of old but significant ideas such as the necessity which he claims for the formation of a "working-class world political organization" to serve as successor to the Communist International.—THOMAS P. JENKIN.

INTERNATIONAL LAW AND RELATIONS

In a period of rising emotionalism over American-Soviet relations, *Russia: Menace or Promise* (Henry Holt and Co., 1947, pp. 158, \$2.00), by Vera Micheles Dean, is an astringent appeal to reason. Mrs. Dean's underlying assumption is that current disagreements between America and Russia may largely be traced to differences in historical development, and that these antagonisms may best be resolved by tolerance and co-

operation within the framework of the United Nations. The United States should premise its policy, not on the need to destroy Soviet Communism, but on the challenge of competing with Russia to improve social, economic, and political conditions throughout the world. Mrs. Dean recognizes the difficulties which impede American-Soviet collaboration, but, looking into the abysmal alternative to coöperation, she rightly concludes that we must proceed with faith that Russia is more promise than menace. In giving simple, straightforward answers to twenty-one critical questions, Mrs. Dean voices a welcome note of optimism. The range of questions discussed in this small book include: What are the Russian people like? How is Russia governed? How much personal freedom is there in Russia? What is Russia's foreign policy today? Has Russia abandoned world revolution? What course should the United States follow toward Russia? Mrs. Dean's answers are rooted in Russian history, nurtured in sympathy, and shorn of chauvinism. While the scope of this book and its attendant sketchiness might have been a serious shortcoming, the author's record of scholarly work and the simple discussion technique employed give this treatment validity. To the unsophisticated reader, it offers a brief authoritative introduction; for the serious student, it outlines a sound approach to American-Soviet relations. Placed in the hands of every high school senior and college freshman, as well as in those of every man and woman in the land, this "Headline Book" of the Foreign Policy Association would prove a valuable contribution to a more enlightened public opinion on American-Soviet relations.—MARTIN KRIESBERG.

Papers presented at a summer conference of the Latin American Institute of the University of Texas have been published as a unit in its series of Latin American Studies under the title *Some Economic Aspects of Post-war Inter-American Relations* (University of Texas Press, 1946, pp. 117). As in all such collections, the eight essays included vary in quality and emphasis; some are serious studies of a limited problem by specialists in the field, while others are the product of men whose general concern with commercial affairs is not necessarily limited to Latin America alone. Some essays thus represent, quite naturally, the more conventional ideas of the older school of United States exporters of capital and merchandise, in which the main emphasis is upon maintenance of a status quo in which such exported items meet with minimum interference and are afforded maximum protection. On the other hand, at least two of the essays, one by George Wythe of the Department of Commerce, and the other by Javier Márquez, sub-director of the Fondo de Cultura Económica of Mexico, make it clear that events of the last decade and a half have altered the thinking of Latin Americans to such an extent that the older relationships in commerce and finance are hardly likely to be renewed. Protection of

infant industries, the use of exchange controls, restrictions on investment and immigration—these are realities, and whether wise on the part of Latin Americans or not, they must be reckoned with by exporters and officials of the United States. Even in some other essays in this publication, there is an indication that not all business leaders fully realize that Latin American policies of today cannot be forced into the pattern of the past. Space does not permit discussion of all of the studies, but one should be mentioned since it is in a field in which many misconceptions are current. This is an essay on population trends in Latin America, written by Kingsley Davis of Princeton University, who holds that this area is now in a phase of rapid population growth comparable to that of the United States a century ago. He thinks, however, that this increase in population will not result in the exploitation of undeveloped areas now sparsely settled. Immigration, under policies now considered desirable, likewise will not solve the problem, he holds, and full development of Latin American natural resources in relation to population can come only from basic economic and social changes at home, instead of by mere increase in numbers.—DONALD ROWLAND.

The Chaco boundary dispute between Bolivia and Paraguay was the object of attention in a variety of mediating, conciliating, and arbitral procedures. Much, but not all, of the story of the dispute is told in Margaret La Foy's *The Chaco Dispute and the League of Nations* (Ann Arbor, Mich.: Edwards Brothers, 1946, pp. 156). Chapter III is aptly styled "The Shadow of the Monroe Doctrine." This shadow arose from a considerable body of opinion that inter-American disputes should be handled exclusively by inter-American peace machinery. But the ambiguous language of the Covenant of the League did much to deepen the shadow. The differences in meaning, intent, and basic approach are at once clear when the English and French texts of the Covenant's Article 21 are reexamined. The English wording is: "Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace." The divergent French text reads: "Les engagements internationaux, tels que les traités d'arbitrage, et les ententes régionale, comme la doctrine de Monroe, qui assurent le maintien de la paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte." The author clearly portrays the loss of prestige and the resentment that were felt on the one hand by the League of Nations, its Council, Assembly, and Committee of Three; and on the other hand, by the Inter-American Commission of Conciliation, the Commission of Neutrals, the Chaco Peace Conference, and the American mediating states. The "multiplicity of mediating

agencies made it possible for whichever party was dissatisfied with the negotiations of one group to insist upon mediation by some other." This reviewer's own opinion is that precisely at this point is the crux of the issue: can a world organization solve inter-American problems? For League members must have had in mind other existing or potential cases for invoking Articles 15 and 16, which added immeasurably to the difficulty of settling the Chaco affair. This point is not developed by Miss La Foy. It was largely the action of the American states that persuaded the belligerents to sign a Protocol on June 12, 1935, terminating hostilities and creating the Chaco Peace Conference. It would appear to illustrate the efficacy of the hemispheric approach. The author concludes that inter-American agreements must be coördinated to eliminate overlapping and conflicting provisions. She adds pointedly that agreements must also be *ratified*. The final conclusion is that "it would seem that in any case the universal organization should automatically assume jurisdiction if American peace machinery breaks down and hostilities threaten." —WILLARD F. BARBER.

In *The Origins and Background of the Second World War* (Oxford University Press, 1947, pp. 729, \$4.00), we have a highly informed narrative in which the authors, C. Grove Haines and Ross J. S. Hoffman, develop a synthesis of the period since 1918 with the help of a large array of facts so expertly chosen and employed that they enhance rather than obscure the authors' interpretations. The utility of building a specialized account on a broad base is demonstrated here by the manner in which philosophy, literature, diplomacy, politics, and social tensions, from areas as widely separated as Manchuria and Mexico City, are all employed to explain how these forces worked together to generate the second World War. The style is vigorous; the language is pungent; the quotations are fitting and striking; summaries are focused sharply; and the exposition marches. Although the volume spans an immense amount of material, the reviewer found no errors worthy of mention in a review of this length. The chief contribution made by the book lies in the gathering of so great a quantity of materials for the period 1918-46 into a clear and easily read interpretation. The authors necessarily subordinate domestic history rigorously to the task of tracing the genesis of World War II. It is significant of their influence on world affairs that the only two nations whose internal histories are sketched at length are Germany and the United States. The bibliographies placed at the ends of chapters are succinctly and usefully annotated. —GARLAND DOWNUM.

Julian Huxley, the director-general of the United Nations Educational, Scientific, and Cultural Organization, has written a small book, *UNESCO*;

Its Purpose and its Philosophy (Public Affairs Press, 1947, pp. 62, \$2.00), which surveys the aims and purposes of the organization and stresses its universal character. There are sections on UNESCO and Human Progress, Education, Natural Science, and the Social Sciences, written in the penetrating fashion which one might expect from the author. He is keenly aware of the difficulties in the way of assisting "the emergence of a single world culture, with its own philosophy and background of ideas." He recognizes that two ways of life are now attracting the loyalties and political aspirations of hundreds of millions of human beings. But he is certain that the "inexorable dialectic of evolution" will compel their adaptation and union in a higher synthesis. The only doubt in his mind is whether this synthesis will take place before or after another world war. But since another war would set back the march of human progress by centuries, he refuses to accept that method of determining the supremacy of one system over the other. He insists that there can be agreement on the principles that the full development of the individual is the goal and that "the proper organization of society is recognized as the indispensable mechanism of that progress." In these days when so many people condemn humanity to another war on the ground that communism is just as bad as fascism, it is encouraging to find so noted a scientist convinced that there is no basis for this conclusion.—DENNA F. FLEMING.

Joseph Barber, of the research staff of the Council on Foreign Relations, reports in *American Policy Toward Germany* (Council on Foreign Relations, 1947, pp. 44, \$0.50) the views of approximately five hundred Americans on this difficult problem of our foreign policy. Those circularized are members of committees on foreign relations affiliated with the Council in twenty-two cities and hence have opportunity for informal discussion of foreign affairs, although they are not as a group experts on Germany. The eighteen questions to which answers were given in January, 1947, emphasize broad questions of policy. Majority opinion supported the objectives outlined by Secretary Byrnes at Stuttgart in September, 1946, and reflected the desire to see established a unified and prosperous Germany at the same time demilitarized, denazified, and democratically governed. Current interest in this survey is heightened by the directive issued on July 15 of this year linking the economic recovery of Germany to the recovery of Europe as envisaged in the Marshall Plan, a statement of policy which a majority of this group might be expected to approve in view of their emphasis on revival of German industry and trade. A weakness of the survey is the assumption which appears to be implicit in the questions, and in most answers, that in its political aspects the problem of Germany can be considered apart from the over-all problem of world

security, and that in its economic aspects orientation of Germany in the European rather than in the world economy is sufficient.—RUTH LAWSON.

Since recent months have seen a concerted effort to modify our immigration policy, *Economics of Migration* (Oxford University Press, 1947, pp. xii, 285, \$4.50), by Julius Isaac, is of timely interest to political scientists as well as to sociologists and economists. An all-around discussion of the problems of emigration and immigration, the work deals with demographic and sociological, as well as economic, aspects of migration. The author's primary object is to examine the causes and effects of great migrations during the past century and a quarter. After an introductory chapter delineating the scope of the study, the significance of migratory movements to the end of the eighteenth century is analyzed in a brief historical chapter. The remaining 262 pages (including bibliography and index) are devoted to various aspects of nineteenth- and twentieth-century migration. Although the work is dull—as many Ph.D. dissertations are inclined to be—it contains a wealth of up-to-date material, and has some value as supplementary reading for an introductory course in social science or sociology.—ARTHUR D. ANGEL.

POLITICAL THEORY AND MISCELLANEOUS

One of the first in a series of political texts now being published by Basil Blackwell (Oxford), Michael Oakeshott's edition of Thomas Hobbes' *Leviathan: Or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil* (Macmillan Co., 1947, pp. lxvii, 468) will be most welcome and useful. In a stimulating and provocative introduction, Mr. Oakeshott contends that "the system of Hobbes' philosophy lies in his conception of the nature of philosophical knowledge, and not in any doctrine about the world. And the inspiration of his philosophy is the intention to be guided by reason and to reject all other guides: this is the thread, the hidden thought, that gives it coherence, distinguishing it from 'Faith, 'Science' and Experience. . . . The lineage of Hobbes's rationalism lies, not . . . in the great Platonic-Christian tradition, but in the skeptical, late scholastic tradition" (p. xxvii). How that tradition differs essentially from the former, however, is not entirely clear. Oakeshott endeavors to explain the difference by saying that Hobbes "does not normally speak of Reason, the divine illumination of the mind that unites man with God; he speaks of reasoning. And he is not less persuaded of its fallibility and limitations than Montaigne himself." If reasoning, however, does not presuppose the existence of reason, it is difficult to understand in what possible sense the word is used. Nor does the "great Platonic-Christian tradition" deny that "it is by passion not less than by reasoning that . . . man achieves

his salvation" (p. xxvii). Somewhat later, however, Oakeshott contends that the failure to consider Hobbes' "civil philosophy in the context of the history of political philosophy . . . has obscured the fact that Hobbes is not an outcast but, in purpose though not in doctrine, is an ally of Plato, Augustine, and Aquinas. There has been failure to detect the tradition to which his civil philosophy belongs, which has led to the misconception that it belongs to none and is without lineage or progeny" (pp. li-lii). For Oakeshott, the importance of the *Leviathan* "is that it is the first great achievement in the long-projected attempt of European thought to reëmbody in a new myth the Augustinian epic of the Fall and Salvation of mankind" (pp. lii-liv).—JOHN H. HALLOWELL.

John Stuart Mill's classics, *On Liberty* and *Considerations on Representative Government* (Macmillan, 1947, pp. lix, 324), appear in an edition by R. B. McCallum of Pembroke College without subordination to *Utilitarianism*, and therefore conveniently for the undergraduate student of government; but an index is lacking and the critical introduction suffers from the omission of page references and from several serious slips, e.g., "casual" for "causal" (p. xxi), "not unqualifiedly" for "unqualifiedly" (p. xxxiv), "minority" for "majority" (p. xxxix). The editor notes that we fear our neighbors less and the policeman more than when Mill believed that the general tyranny of society exceeded state power in endangering individuality and freedom; and that recent experience with dictators lessens our enthusiasm for the thesis that society has need of strong natures. On the other hand, time has more than vindicated Mill's eloquent plea for freedom of thought and discussion, and his perspicacity in evaluating political institutions and practices. Things already established that he approved—ministerial responsibility in Britain and Canada, the United States Senate and Supreme Court, Swiss and American federalism—still flourish; innovations that he advocated—competitive civil service examinations, woman suffrage, proportional representation—are today widely accepted.—MARGARET SPAHR.

With *American Thought—1947* (New York, 1947), pp. vii, 502, \$3.75), an anthology of some thirty-eight articles on recent developments in about as many fields, the Gresham Press has commenced an annual series of books reporting what teams of judges selected by the publisher regard as representative contributions to British, Latin-American, European, Islamic, American, and other cultures. This is an ambitious undertaking, its purpose being to promote understanding among peoples through an international exchange of current thought. Without a broader agreement on values, it is doubtful whether this means can serve the end

in view, not to mention the issue that can be taken with the criteria of judgment and the representativeness of the selections themselves. The publisher, Vladimir Ivanovic, cautioned his judges that their choices from the literature should reflect the general trend, it being impossible to deal exhaustively with each subject. In his introduction, Philip Wylie avoids the conventional approach by dwelling upon the plight of the intellectual-liberal who either knows not or ignores the truth which the laws of instinct psychology reveal. What he describes as thought is declared to have little relation to what the intellectual and the scientist consider thought to mean. Our main ideas are nothing more than "mere institutions of the instinct," and "most of our great public thoughts are mere attempts to rationalize the results of an inner war between human instinct and whatever conscience has grafted upon each of us by our experience as infants and children" (p. 11). What passes for thought by American standards should be presented, according to Mr. Wylie, simply as data and speculation. Thus, *American Thought—1947* is useful provided too much is not claimed for it. Man will eventually learn the truth about his nature and the truth will set him and the world free. The prescription is not original, and it appears easy on the surface, but Mr. Wylie is careful to make it both difficult and remote. As for the articles themselves, with few exceptions they were first published in American periodicals. Their very diversity, from "The Frontiers of Altitude" by Wolfgang Langwiesche to selections from recent American poetry, precludes intelligent reviewing by one who is an amateur in so many of the subjects represented. It seems unlikely, however, that their contents will give the foreigner who comes across the book more than a limited insight into the current workings of American minds, though certain items may interest the busy individual who must bypass much good periodical reading for lack of time. Articles of value to the political scientist include: "Is Mankind Cohesive"?, by Caryl P. Haskins; "'No' To International Cartels," by Ben W. Lewis; "Wages and Prices: The Basic Issue," by Alvin H. Hansen; "Mackinder's Heartland," by Hans Weigert; "The Beam in Our Own Eye," by Clyde Eagleton; "Is Einstein Right?," by Christian Gauss; "Are We Ready for a World State?," by Edward R. Lewis; "Thoughts on Labor Day," by Thurman Arnold and Walton Hamilton; "Nuremberg and International Law," by Robert H. Jackson; "Military Policy and the Atomic Bomb," by Bernard Brodie; "Hate Propaganda in Detroit," by Carl O. Smith and Stephen Sarasohn; "Middletown Revisited—Muncie at Peace," by John Bartlow Martin; and "The Slaying of the European Father," by Max Lerner. It is unfortunate, as the publisher recognized, that space limitations prevented the inclusion, for the benefit of a foreign audience, of John Hersey's *Hiroshima*.—LUTHER J. LEE, JR.

A sample of the sampling technique is the shortest way to describe *British Thought 1947* (Gresham Press, 1947, pp. vii, 461, \$3.75), with introduction by Ivor Brown. Intended as one in a series of similar volumes, the book forms a collection or digest of brief published essays, articles, reviews, and literary compositions by men of rising eminence or established fame (e.g., Shaw) in the arts, scholarships, and professions of contemporary Britain. The contributions range in content from aeronautics to local government, from the Bank of England to vipers. There are tidbits galore to whet the most fastidious taste, but not one *pièce de résistance* to satisfy even the daintiest appetite. The only common links are the coincidental facts that everything was written within the space of one calendar year and by Britishers. Of the thirty-eight items included, some fourteen are of reasonably obvious interest to political scientists. In the international field, a plea for continued peacetime coöperation between the Soviet Union and the West is voiced by Norman Angell and Kingsley Martin. The former addresses to Leftists, the latter to the Right, a warning that war is not inevitable. The Oxford economist, R. F. Harrod, curiously concludes that because of nationalization the Bank of England as a government agency will exercise more influence upon cabinets than it did as a semi-private institution. Ivor Brown's introduction is full of restrained confidence in Britain's future. For signs of a serious, thinking nation he points to the crowded universities, the doubled circulation of the *Manchester Guardian*, the success of the B.B.C.'s Third Program for highest-brows, and the ready sale of literary classics. Through Labor's victory paeans he claims to detect undertones of reviving conservatism. But his evidence amounts merely to some undergraduate votes in the Oxford and Cambridge unions and the election by the Scottish universities (he omits to say, by the alumni) of a Conservative M.P. to replace an Independent. Be that as it may, the book as a whole yields proof that the new Britain can think fundamentally, write eloquently, and live bravely.—LESLIE LIPSON.

Walter Russell Crocker's *On Governing Colonies* (George Allen and Unwin Ltd., 1947, pp. 152) is a brief, critical, and comparative account of the colonial policies of Great Britain, France, and Belgium in Africa south of the Sahara. The author discusses first Africa and the Africans and then proceeds to a consideration of Africa's chief problems, namely, disease, poverty, and ignorance. The second half of the book deals with problems of self-government and the white official. The author has had considerable experience in Africa as a soldier and colonial official and thus has enjoyed a first-hand acquaintance with both policy and its application. The Belgian approach is similar to the British, he finds, in that both are concerned with the African as the objective of policy, though control

is less centralized in the British colonies than in the Congo. French policy, on the other hand, is not only centralized; it assumes the paramountcy of France, not the paramountcy of the African native. Be this as it may, in the actual approach of the British and French there is a lack of perspective and an unawareness of the simple needs of the Africans. Thus the British will impose a parliamentary system and a complicated legal system upon a people who comprehend neither, and a type of educational system which the African neither wants nor needs. Both the British and the French will spend great sums of money to build a hospital when the expenditure of the same amount would provide the people of a given locality with a pure and adequate water supply, "the lack of which causes more disease than the hospital could ever hope to deal with." The author holds that colonial problems cannot be isolated; "they are parts of a living whole." That is why, he says, "the Tennessee Valley Authority with its conception and its practice of the total and the integrated approach contains a lesson of the highest relevance to colonies." This is an interesting book; it is well written; if the author upon occasion has indulged in simplification and generalization, it must be remembered that the very subject defies brief treatment.—C. GORDON POST.

A most interesting essay of broad scope and interpretative character is *Slave and Citizen; The Negro in the Americas* (Alfred Knopf, 1947, pp. xl, 128), by Frank Tannenbaum. Devoted to a consideration of the chief features of the slavery system in the various Americas, North, Central, and South, the essay is a keen exposition of the differences in the social, economic, legal, and moral relationships which produced diverse results in the two Americas in terms of the position of the Negro. The cultures of the Spanish and Portuguese colonies are viewed as pliable or malleable in character, accustomed previously to the institution of slavery, and already on the road to conceding to the slave a position of recognized personality. Manumission was legally possible, economically justifiable, socially accepted. In contrast, English law had no concept of "slave" as a legal status; hence, not being a free man, the Negro under Anglo-American law was pushed towards the status of chattel. The contrast in result is sharply delineated by Tannenbaum's essay. The political scientist will find this to be in Buckle's category of peripheral studies, from which the philosophy of a discipline is extracted. Tannenbaum has written interestingly and well.—CHARLES W. SHULL.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Adams, Mark H. Twenty pension years in Maryland, 1927-1947 [old age pensions]. Pp. 118. Baltimore: 1947.

Beard, William. Government and liberty; the American system. Pp. 372. Garden City: Halcyon House. 1947.

Brewer, Virginia W. Forestry activities of the federal government. Pp. 185. Washington: Public Affairs Bulletins. 1946.

Chase, Stuart. A generation of industrial peace. [Standard Oil of N. J.] Pp. 63. 30 Rockefeller Plaza, N. Y.: Standard Oil Co. 1947.

Clark, Thomas B. Hawaii, the forty-ninth state. Pp. 271. Garden City (N. Y.): Doubleday. 1947.

Committee on Public Debt Policy. Our national debt and the budget. Pp. 20, 26 Liberty St., N. Y.: Author. 1947.

Dennis, Eugene. Let the people know; the truth about the Communists which the Un-American Committee tried to suppress. Pp. 32. N. Y.: New Century. 1947.

Dumond, Dwight L. America in our time, 1896-1946. Pp. 726. N.Y.: Henry Holt. 1947.

Goldman, Albert. The question of unity between the workers party and the socialist workers party. Pp. 93. Long Island City: Workers Party. 1947.

Gordon, David L. and *Dangerfield, Royden J.* The hidden weapon; the story of economic warfare. Pp. 250. N.Y.: Harper. 1947.

Hansor, Alice C., and *Perey, Manuel A.* Incomes and expenditures of wage-earners in Puerto Rico. Pp. 151. San Juan: Dept. of Labor, Govt. of Puerto Rico and U. S. Bur. of Labor Statistics. 1947.

Herrick, Arthur D. Food regulation and compliance. Pp. 652. N.Y.: Revere. 1947.

Holmes, Jack E. The public land question in New Mexico. Pp. 38. Albuquerque (N. Mex.): Univ. of N. Mex. 1947.

Iseley, Jeter A. Horace Greeley and the Republican party, 1853-1861; a study of the New York Tribune. Pp. 381. Princeton (N.J.): Princeton Univ. Press. 1947.

Kefauver, Estes and *Levin, Jack.* A twentieth-century congress. Pp. 236. N.Y.: Essential Books, Duell, Sloan & Pearce. 1947.

Kimball, Marie Goebel. Jefferson; war and peace, 1776 to 1784. Pp. 407. N.Y.: Coward-McCann. 1947.

Kooser, E. O. Freedom denied; a protest against depredations by political factions, pressure groups, and privileges upon the lives and earnings of private citizens. Pp. 240. Berlin (Pa.): Berlin Pub. Co. 1943.

Martin, Boyd A. The direct primary in Idaho. Pp. 158. Stanford Univ. (Calif.): Stanford Univ. Press. 1947.

Ogg, *Frederic A.*, and Ray, *P. Orman*. Essentials of American government; 5th ed. Pp. 728. N.Y.: D. Appleton-Century. 1947.

Neal, *James*, and Werner, *G. A.* American communism; a critical analysis of its origins, development, and programs; rev. ed. Pp. 416. N.Y.: Dutton. 1947.

Patterson, *Caleb P.* Presidential government in the United States; the unwritten constitution. Pp. 310. Chapel Hill: Univ. of N.C. Press. 1947.

Preis, *Art.* Stalinists on the waterfront. Pp. 31. N.Y.: Pioneer Pub. 1947.

Randall, *James G.* Lincoln, the liberal statesman. Pp. 281. N.Y.: Dodd, Mead. 1947.

Senior, *Clarence*. The Puerto Rican migrant in St. Croix. Pp. 42. San Juan: Univ. of Puerto Rico. 1947.

Waller, *Paul, Jr.* Population trends in New Mexico. *Calvin, Ross*. The people of New Mexico. Pp. 38. Albuquerque (N. Mex.): Univ. of N. Mex. 1947.

White, *Henry F.* Agricultural problems and policies. Pp. 232. Silvoam Springs (Ark.): John Brown Univ. Press. 1946.

Articles

Administrative Law. Legislative injustice and the supremacy of "law" [Fed. administrative procedure act]. *Julius Cohen*. Neb. Law Rev. Mar., 1947.

Aëronautics. Res ipsa in the air. *Charles F. O'Connor*. Ind. Law Jour. Apr., 1947.

Agriculture. The magic porridge mill. *T. Swann Harding*. Antioch Rev. June, 1947.

Alien Property. Enemy business enterprises and the alien property custodian, part II. *Francis X. Fallon, Jr.* Fordham Law Rev. Mar., 1947.

Anti-Semitism. Anti-semitism in N.Y. medical schools. *Walter R. Hart*. Am. Mercury. July, 1947.

Army and Navy. Postwar clemency and the military offender. *H. L. Goldberg* and *L. W. McCorkle*. Soc. Service Rev. June, 1947.

Atomic Energy. Control of information relating to atomic energy. *James R. Newman*. Yale Law Jour. May, 1947.

Banking and Currency. Federal reserve objectives and policies. *E. A. Goldenweiser*. Monetary management and credit control. *Allan Sproul*. Am. Econ. Rev. June, 1947.

Bankruptcy. The evolution of modern bankruptcy law; a comparison of the recent bankruptcy acts of Italy and the United States. *S. A. Riesenfeld*. Minn. Law Rev. Apr., 1947.

———. Intangible values in reorganization. *L. D. Swanstrom*. Chicago-Kent Law Rev. June, 1947.

Bar. Some arguments in favor of integration of the bar. *M. A. Shattuck*. Some objections to integration of the bar in Massachusetts. *Walter Powers*. Boston Univ. Law Rev. Apr., 1947.

Budget and Accounting. Wanted: more cost accounting for government. *R. M. Mikesell*. Accounting Rev. July, 1947.

Business. Equitable protection of business and business rights. *W. Q. de Funiak*. Ky. Law Jour. May, 1947.

———. Violations of the anti-trust laws as a defense in civil actions. *W. B. Lockhart*. Minn. Law Rev. May, 1947.

———. Vital changes in insurance law. *C. F. S. Harrington*. Boston Univ. Law Rev. June, 1947.

———. Rights of stockholders in the New York courts. *G. D. Hornstein*. Yale Law Hour. June, 1947.

———. Henry Ford: success and failure. *Peter Drucker*. Harper's. July, 1947.

- . Partnership capitalism. *Eric Johnston*. Atlantic. July, 1947.
- . The legislative history of section 6 of the Clayton act. *Joseph Kovner*. Columbia Law Rev. July, 1947.
- Church and State. Separation of church and state in restatement of inter-church-and-state common law. *Kenneth R. O'Brien* and *Daniel E. O'Brien*. The Jurist. July, 1947.
- Civil Liberty. Bill of attainder—rediscovered weapon against discriminatory legislation. *Gerald J. Norville*. Ore. Law Rev. Feb., 1947.
- . Constitutional aspects of federal anti-poll tax legislation. *Joseph E. Kallenbach*. Mich. Law Rev. Apr., 1947.
- . The Yamashita case and martial courts, part II. *James J. A. Daly*. Conn. Bar. Jour. July, 1947.
- Communications. What is ahead in telephone regulation? *Duane T. Swanson*. Pub. Util. July 17, 1947.
- Congress. Has the new Republican congress made satisfactory progress? pro and con. *Symposium*. Cong. Digest. June-July, 1947.
- Conservation. Factors affecting water utilization in Colorado. *Charles J. Beise*. Arizona's interest in the Colorado river. *Charles A. Carson*. Rocky Mt. Law Rev. June, 1947.
- Crime and Criminal Law. Mental disorder affecting the degree of a crime. *Henry Weihofen* and *Winfred Overholser*. Yale Law Jour. June, 1947.
- . Civilian codification under judicial review: the generality of "immorality" in Louisiana. *Clarence J. Morrow*. Tulane Law Rev. June, 1947.
- Declaratory Judgments. Atrocities of declaratory judgments law. *W. P. S. Breeze*. Minn. Law Rev. May, 1947.
- Delegation of Power. An essay on delegation of legislative power, part II. *Louis L. Jaffe*. Columbia Law Rev. May, 1947.
- Education. The schools I want and how to get them. *Grace Williamson*. Atlantic. July, 1947.
- Family. Lawyers and divorce. *J. MacPeebles*. Tenn. Law Rev. June, 1947.
- . Divorce and taxes. *F. M. Howard*. Ala. Lawyer. July, 1947.
- . Physical capacity to marry. *Robert Kingsley*. So. Calif. Law Rev. July, 1947.
- . Are Americans polygamous? *David L. Cohn*. Atlantic. Aug., 1947.
- Foreign Policy, United States in the near and middle east [in Russian]. *B. Dantzig*. World Econ. and Pol. [Russian]. Feb., 1947.
- . Foreign policy in the United States and the labor movement [in Russian]. *P. Pollak*. World Econ. and Pol. [Russian]. Mar., 1947.
- . American foreign policy at the present time [in Russian]. *J. Lemm*. World Econ. and Pol. Apr., 1947.
- . The publication of the diplomatic papers of other governments. *E. Wilder Spaulding*. Am. Jour. of Int. Law. Apr., 1947.
- . Problems of the United States in the Pacific area. *Claude A. Buss*. World Affairs Interpreter. Spring, 1947.
- . American attitudes toward Russia. *Warren B. Walsh*. Antioch Rev. June, 1947.
- . American foreign policy. *W. W. Rostow*. Fortnightly. June, 1947.
- . United States occupation policies in Japan since surrender. *Hugh Burton*. Pol. Sci. Quar. June, 1947.
- . America: the uneasy victor; a study of the Truman doctrine and its opponents. *Philip Jaffe*. Amerasia. July, 1947.
- . American foreign policy, part II. *W. W. Rostow*. Fortnightly. July, 1947.

- . Can we aid Europe? *N. R. Danielian*. Atlantic. Aug., 1947.
- . America's link to Europe. *Leopold C. Klausner*. World Affairs Interpreter. Summer, 1947.
- . American policy toward Pacific dependencies. *Rupert Emerson*. Pacific Affairs. Sept., 1947.
- Foreign Trade. Foreign trade policies of the United States and Soviet Russia. *Richard Schüller*. Soc. Research. June, 1947.
- . A formula for foreign trade. *Francis G. James*. Current Hist. June, 1947.
- Full Faith and Credit. Characterization, res judicata, and the lawyers' clause. *C. B. Dutton, Jr.* Ind. Law Jour. Apr., 1947.
- Government Contracts. Labor standards provisions in government foreign procurement contracts. *Robert E. Matthews*. Ill. Law Rev. May-June, 1947.
- Government Liability. Recovery from the United States under the federal tort claims act. *L. L. Anderson*. Minn. Law Rev. Apr., 1947.
- . Tort actions against the federal government. *Walter Gellhorn* and *C. Newton Schenck*. Columbia Law Rev. July, 1947.
- Health. An analysis of the regulation of food, drugs, and cosmetics. *Maurice L. Cowen*. Ill. Law Rev. May-June, 1947.
- . Two years of state health progress, 1945-1946. *Margaret C. Lafferty*. State Govt. July, 1947.
- Housing. Your new home—when? *Harry C. Bates*. Am. Federationist. June, 1947.
- . The industry capitalism forgot. *Editors*. Fortune. Aug., 1947.
- Intergovernmental Relations. Neglected aspects of intergovernmental fiscal relations. *Wylie Kilpatrick*. Am. Pol. Sci. Rev. June, 1947.
- Interstate Commerce. Commerce regulation before *Gibbons v. Ogden*: interstate transportation enterprise. *Albert S. Abel*. Miss. Law Jour. May, 1947.
- . Interstate commerce and state power—revised version. *Noel T. Dowling*. Columbia Law Rev. May, 1947.
- Judiciary. The federal summary judgment rule; some recent developments. *Harold M. Kennedy*. Reformulating the jurisdiction of the court of appeals. *Jay L. Rothschild*. Brooklyn Law Rev. Feb., 1947.
- . Determination of controversies without a factual trial. *Charles W. Joiner*. Ia. Law Rev. Mar., 1947.
- . The doctrine of stare decisis and the extent to which it should be applied. *Henry Ellenbogen*. Temple Law Quar. Apr., 1947.
- . Some reflections on the reading of statutes. *Felix Frankfurter*. Columbia Law Rev. May, 1947.
- . The judicial structures in the "common law" states; a comparative analysis. *Ben R. Miller*. La. Law Rev. May, 1947.
- . Sectional politics and the rise of judicial supremacy. *Wallace Mendelson*. Jour. of Pol. May, 1947.
- . Selections of federal jurors. *John C. Knox*. Two states organize judiciary commissions. *Editors*. Jour. of the Am. Judicature Soc. June, 1947.
- . The declaratory action. *Duke Duwall*. Tulane Law Rev. June, 1947.
- Labor. Improvement of the processes of collective bargaining. *Robert D. Morgan* and *Lee Pressman*. Neb. Law Rev. Mar., 1947.
- . A program for federal labor legislation. *W. G. Fennell*. N.Y. Univ. Law Quar. Rev. Apr., 1947.
- . Labor relations and public law. *Symposium*. Univ. of Chicago Law Rev. Apr., 1947.
- . The labor war in the pentagon. *D. B. Robinson*. Labor-government co-

operation as basis of sound price policy. *Solomon Barkin*. Brookings institution fixes facts to anti-union ends. *Wayne L. Morse*. Labor and Nation. May-June, 1947.

———. William Lloyd Garrison's "providential man." *Broadus Mitchell* and *Louise P. Mitchell*. Labor and Nation. May-June, 1947.

———. Unfair labor practices and their remedies. *J. J. George*. Rutgers Law Rev. Spring, 1947.

———. Labor versus Taft and the N. A. M. *William Green*. Am. Federationist. June, 1947.

———. An analysis of the Colorado labor peace act. *Alvin Weinberger*. Rocky Mt. Law Rev. June, 1947.

———. Foremen—the industrial question mark. I. *Herbert Rothenberg*. Dickinson Law Rev. June, 1947.

———. Wage flexibility upwards. *L. Albert Hahn*. Hierarchy and stratification of the shop. *Julie Meyer*. Soc. Research. June, 1947.

———. Public policy in labor disputes; the crisis of 1946. *Orme W. Phelps*. Jour. of Pol. Econ. June, 1947.

———. Guaranteed wages. *Werner Hochwald*. Am. Econ. Rev. June, 1947.

———. Reflections on the wildcat strikes. *J. F. Scott* and *G. C. Homans*. Am. Sociol. Rev. June, 1947.

———. The McNear murder. *John B. Martin*. Harper's. July, 1947.

———. Labor's struggle for higher living standards. *H. Neisser*. Am. Jour. of Econ. and Sociol. July, 1947.

———. Hours of work and output. *Max D. Kossoris*. Mo. Labor Rev. July, 1947.

———. Utility antistrike laws. *Roscoe Ames*. Pub. Util. July 31, 1947.

———. The relations of management and labor. *William H. Davis*. Va. Quar. Rev. Summer, 1947.

Legislatures. Legal service for the legislature. *Clydene L. Morris*. Jour. of the Am. Judicature Soc. June, 1947.

Naturalization. For equality in naturalization. *Richard J. Walsh*. Common Ground. Summer, 1947.

OPA. Minority groups and OPA. *Frances H. Williams*. Pub. Admin. Rev. Spring, 1947.

Patents and Copyrights. Licensee estoppel in patent law. *Morris D. Forkosch*. Temple Law Quar. Apr., 1947.

———. The United States and international copyright. *Max M. Kampelman*. Am. Jour. of Int. Law. Apr., 1947.

———. The patent system and American discontent, 1875-1888. *E. W. Hayter*. Miss. Valley Hist. Rev. June, 1947.

Personalities. Wayne Morse; Republican gadfly. *Richard Neuberger*. Am. Mercury. July, 1947.

———. Wallace and the communists. *Eugene Lyons*. Am. Mercury. Aug., 1947.

Personnel. Government employees under the Hatch act. *L. E. Mosher*. N.Y. Law Quar. Rev. Apr., 1947.

———. The president's loyalty purge. *Robert E. Cushman*. Survey Graphic. May, 1947.

———. The Illinois state in-service training program. *Robert L. Hunter*. Pub. Person. Rev. July, 1947.

———. Restraints on political activity of employees. *H. W. Cornell*. Pub. Management. July, 1947.

———. The employee loyalty order. *Harry B. Mitchell*. Improving human relations. *Symposium*. The joint college-federal service councils. *Ross Pollock*. The OPA employment security program. *Mario P. Canapi*. Progress in position classification.

Symposium. Production planning and personnel administration. *Herbert O. Taylor, Jr.* Person. Admin. July, 1947.

———. The United States civil service in transition. *Katherine A. Frederic.* Pub. Admin. Summer, 1947.

Political Change. Time lag and political change as seen in the administrations of Buchanan and Hoover. *W. A. Russ, Jr.* So. Atlan. Quar. July, 1947.

Political Parties. Who make Republican labor policy? *George Meany.* Am. Federationist. June, 1947.

———. Bosses are bunk; a reply to Ed Flynn. *Fiorello La Guardia.* Atlantic. July, 1947.

Presidency. The term of office of the president. *Everett S. Brown.* Am. Pol. Sci. Rev. June, 1947.

Propaganda. German propaganda in the United States in 1910; an unpublished document. *W. C. Askew.* Jour. of Cent. Eur. Affairs. Jan., 1947.

Public Administration. Public administration and economic stabilization. *E. G. Nourse.* Pub. Admin. Rev. Spring, 1947.

———. Harold D. Smith—public administrator. *P. H. Appleby.* Toward better public administration. *P. H. Appleby.* Pub. Admin. Rev. Spring, 1947.

Public Opinion. The public opinion myth *Ernest Borneman.* Harper's. July, 1947.

Public Utilities. Role of accounting in public utility regulation. *D. R. Scott.* Accounting Rev. July, 1947.

———. Rate regulation versus wage regulation. *Arnold Haines.* Pub. Util. July 17, 1947.

Race Relations. Jim Crow at the canal. *Paul Blanshard.* Survey Graphic. May, 1947.

———. U. S. legislation affecting Asiatics. *William F. Boericke.* Far Eastern Survey. May 21, 1947.

———. The Negro in the U.S.A. *W. Arthur Lewis.* Pol. Quar. July-Sept., 1947.

Recent Government. American government during 1946. *Don K. Price.* Pub. Admin. Summer, 1947.

Reform. Toward a liberal program for prosperity and peace. *Lewis Corey.* Antioch Rev. June, 1947.

Science. Federal legislation in support of science. *Alfred E. Cohn.* Science legislation and the social sciences. *Talcott Parsons.* Pol. Sci. Quar. June, 1947.

Social Security. Two views of unemployment compensation. *W. A. Morton.* Soc. Service Rev. June, 1947.

Taxation. A taxwise evaluation of family partnerships. *Robert E. Mannheimer* and *H. T. Mook.* Ia. Law Rev. Mar., 1947.

———. Significant developments in the law of federal taxation, 1941-1947, part I. *Paul G. Kauper.* Mich. Law Rev. Apr., 1947.

———. Tax refund suits against collectors of internal revenue. *W. T. Plumb, Jr.* More ado about gross receipts taxes, part II. *Thomas Reed Powell.* Harvard Law Rev. May, 1947.

———. Some observations on the Louisiana property tax collection system. *J. B. Fordham* and *W. A. Hunter.* La. Law Rev. May, 1947.

———. Reversions, resulting trusts, and the estate tax. *George Louis Creamer.* Rocky Mt. Law Rev. June, 1947.

———. Taxation of interstate commerce. *Elvin E. Overton.* Should co-ops pay income taxes? *Hugh L. Sowards.* Tenn. Law Rev. June, 1947.

———. The meaning behind several recent decisions on Pennsylvania corporate taxes. *I. H. Krekstein.* Dickinson Law Rev. June, 1947.

———. Tax frauds and voluntary disclosures. *J. P. Wenchel.* Taxes. June, 1947.

———. Measuring state tax burden. *Alan S. Donnahoe*. Jour. of Pol. Econ. June, 1947.

———. Internal revenue's career collector. *L. D. Farrar*. Income tax status of gifts of family corporation stock. *Albert Mannheimer*. The chain store tax; a study of its nature and effects. *J. D. Berman*. Taxes. July, 1947.

———. The rôle of accounting in the taxing process. *Carman G. Blough*. Accounting Rev. July, 1947.

———. The income tax and over-ceiling transactions. *H. H. Kerkstein* and *B. E. Fersl*. Advantageous tax positions in securities transactions. *M. D. Bachrach*. The theory of progressive taxation. *G. A. D. Preinreich*. Taxes. Aug., 1947.

Territories and Dependencies. Self-government in U. S. territories. *Edwin G. Arnold*. For. Affairs. July, 1947.

———. Puerto Rico and democracy. *Earl K. Senff*. World Affairs Interpreter. Summer, 1947.

TVA. Wage negotiations in the Tennessee valley authority. *Harry L. Case*. Pub. Person. Rev. July, 1947.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Aaronovitch, S. and K. Crisis in Kenya. Pp. 208. London: Lawrence and Wishart. 1947.

Atlee, C. R. Purpose and policy. Selected speeches. Pp. 212. London: Hutchinson. 1947.

Awolowo, Obafemi. Path to Nigerian freedom. Pp. 137. London: Faber & Faber, 1947.

Baster, A. S. J. The little less. An essay in the political economy of restrictionism. Pp. 161. London: Methuen. 1947.

Becker, Howard. German youth: bond or free. Pp. 286. N.Y.: Oxford Univ. Press. 1946.

Buck, Philip W., and Masland, J. W. The governments of foreign powers. Pp. 439. N.Y.: Henry Holt. 1947.

Burchett, Wilfred G. Democracy with a tommy gun. [India and China]. Pp. 291. Pasadena: P. D. and Ione Perkins. 1947.

Burdeau, Georges. Manuel de droit constitutionnel conforme au programme des facultés de droit et écoles d'enseignement supérieur; 5th ed. Pp. 317. Paris: Librairie générale de droit et de jurisprudence. 1947.

Cragg, R. Cecil. Canadian democracy and the economic settlement. Pp. 262. Toronto: Ryerson Press. 1947.

Denning, W. E. Inside parliament [Australia]. Pp. 287. Sydney (N. S. W.): Australasian Pub. Co. 1946.

Ehrmann, H. French labor from popular front to liberation. Pp. 342. London: Oxford. 1947.

Gellner, Charles R. The Palestine problem, an analysis, historical and contemporary. Pp. 188. Washington: Pub. Affairs Press. 1947.

Greenup, Ruth and Greenup, Leonard. Revolution before breakfast; Argentina, 1941-1946. Pp. 279. Chapel Hill: Univ. of N.C. Press. 1947.

Grimm, Peter, and Laserson, Max M. Russia seen from within, and Russia and the world; a Soviet review of diplomacy. Pp. 118, 163. N.Y.: Carnegie Endowment for Int. Peace. 1947.

Hughes, Emmet J. Report from Spain. Pp. 323. N.Y.: Henry Holt. 1947.

Jolliffe, J. E. A. Constitutional history of medieval England. Pp. 524. London: Black. 1947.

Hernández Márquez, Miguel. Accidentes del trabajo y enfermedades profesionales. Pp. 560. Madrid: Editorial Revista de derecho privado. 1945.

Hinden, Rita. The labour party and the colonies. Pp. 19. London: Victoria Pub. Co. 1946.

Holtom, Daniel C. Modern Japan and Shinto nationalism. rev. ed. Pp. 235. Chicago: Univ. of Chicago Press. 1947.

Hoyland, John S. They saw Gandhi. Pp. 102. N.Y.: Fellowship Pub. 1947.

Medeiros, Ocelio de. Administração territorial. Pp. 380. Rio de Janeiro: Imprensa Nacional. 1946.

Morris, William A., and Strayer, Joseph R. The English government at work; v. 2, The fiscal administration, 1327-1336. Pp. 280. Cambridge (Mass.): Mediaeval Acad. 1947.

Mousnier, Roland. La vénalité des offices sous Henri IV et Louis XIII. Pp. 629. Rouen: Éditions Maugard. 1945.

Roucek, J. S., ed. Governments and politics abroad. Pp. 585. N.Y.: Funk & Wagnalls. 1947.

Schlesinger, Rudolf. The spirit of post-war Russia. Pp. 188. London: Dobson. 1947.

Setalwad, Motilal C. War and civil liberties. Pp. 86. London: Oxford Univ. Press. 1946.

Survel, Jaak. Estonia today; life in a Soviet-occupied country. Pp. 69. N.Y.: Lithuanian American Information Center. 1947.

Tenney, Jack B., comp. Red fascism; boring from within. . . by the subversive forces of communism. Pp. 727. Los Angeles: Federal Printing Co. 1947.

Van Sickle, C. E. A political and cultural history of the ancient world; from pre-historic times to the dissolution of the Roman Empire in the West. v. 1. Pp. 646. Boston: Houghton. 1947.

Walker, Edward R. The Australian economy in war and reconstruction. Pp. 435. N.Y.: Oxford. 1947.

Werth, Alexander. The year of Stalingrad; a historical record and a study of Russian mentality, methods, and policies. Pp. 499. N.Y.: Knopf. 1947.

Wheare, Kenneth C. Federal government. Pp. 278. N.Y.: Oxford Univ. Press. 1947.

White, William L. Report on the Germans. Pp. 260. N.Y.: Harcourt. 1947.

Zink, Harold. American military government in Germany. Pp. 272. N.Y.: Macmillan. 1947.

Articles

Arabia. Guest of King Ibn Saud. *George Bilainkin.* Contemp. Rev. July, 1947.

Argentina. Academic freedom under Peron. *William L. Munger.* Antioch Rev. June, 1947.

Australia. Australia; the governor general. *Editors.* Round Table. June, 1947.

———. The Australian political scene. *Gordon Greenwood.* Pacific Affairs. Sept., 1947.

Belgium. La situation politique en Belgique. *Jules Garson.* Rev. Pol. et Parl. June, 1947.

Brazil. Job tenure and nationalisation of employment under Brazilian labor law. *L. S. Janofsky.* So. Calif. Law Rev. July, 1947.

British Commonwealth. The British Commonwealth of Nations: a symposium.

Walter H. Bennett, ed. Government by consultation in the British Commonwealth.

E. P. Chase. The rise of a Canadian diplomatic service. *H. G. Skilling.* Reconversion in Australia and New Zealand. *Leslie Lipson.* Social democracy in the British Commonwealth. *W. Hardy Wickwar.* Jour. of Pol. May, 1947.

Bulgaria. Agrarian problem and agrarian reform in Bulgaria [in Russian]. *K. Dimitrow.* World Econ. and Pol. [Russian]. Apr., 1947.

Burma. Burma compromise. *Clarence Hendershot.* Far Eastern Survey. June 18, 1947.

———. In Burma today. *W. P. G. MacLachlan.* Nat. Rev. July, 1947.

Canada. Treaty-making in Canada. *R. J. Matas.* Poor man's law in Manitoba.

A. W. Johnson. Can. Bar Rev. May, 1947.

———. Canada; political roundabout. *Editors.* Round Table. June, 1947.

———. The post-Confederation annexation movement in Nova Scotia. *Donald F. Warner.* Can. Hist. Rev. June, 1947.

———. A lead in Commonwealth migration. *Lord Tweedsmuir.* Commonwealth and Empire Rev. July, 1947.

———. Anti-strike law. *Murray Cateril.* Can. Forum. July, 1947.

———. Trade marks in Canada. *A. L. McLaughlin* and *D. Eggener.* Canada and radio. *A. D. Dunton.* Quar. Rev. of Commerce. Vol. XII, No. 4.

———. Wartime press censorship in Canada. *Gillis Purcell.* Int. Jour. Summer, 1947.

Ceylon. Ceylon—its trade prospects. *G. C. S. Corea.* Asiatic Rev. July, 1947.

China. The Chinese constitution. *Roscoe Pound.* N.Y. Univ. Law Quar. Rev. Apr., 1947.

———. China again hopes. *O. M. Green.* Fortnightly. June, 1947.

———. China's education: casualty of peace. *Nathaniel Pepper.* Liquidation of Chinese liberals. *James P. Speer, II.* Far Eastern Survey. July 23, 1947.

———. China's cotton textile industry. *V. M. Bhatt.* Pacification campaign in North China. *Kuo Yen-ti.* Pacific Affairs. Sept., 1947.

———. China's crisis. "Sinicus." Int. Jour. Summer, 1947.

Cyprus. The future of Cyprus. *W. L. Burn.* Fortnightly. June, 1947.

Czechoslovakia. The Czechoslovak two-year plan. *George Gibian.* Jour. of Cent. Eur. Affairs. Jan., 1947.

———. Czechoslovakia is not communist. *W. R. Young.* Contemp. Rev. July, 1947.

Eire. Ireland; panic and paralysis. *Editors.* Round Table. June, 1947.

Finland. Les difficultés politiques de la Finlande. *Louis Tissot.* Rev. Pol. et Parl. June, 1947.

France. Le régime des pouvoirs publics dans la constitution du 27 Octobre 1946. *Georges Burdeau.* Rev. Droit Pub et Sci. Pol. Oct.-Dec., 1946.

———. General de Gaulles' movement. *W. L. Middleton.* Contemp. Rev. June, 1947.

———. Les Nègro-Africains et l'Union Française. *Leopold S. Senghor.* Le parlementarisme sous la IV^e république. *B. Mirkin-Guetzévitch.* Rev. Pol. et Parl. June, 1946.

———. Liberty and equality. *H. B. Tule.* Nat. Rev. June, 1947.

———. Recent constitution-making in France. *Robert K. Gooch.* Am. Pol. Sci. Rev. June, 1947.

———. France's constitution and empire. *B. S. Townroe.* Commonwealth and Empire Rev. July, 1947.

———. France's new deal. *John Pollack.* Quar. Rev. July, 1947.

- . The Monnet plan and its chances. *R. P. Schwarz*. Fortnightly. July, 1947.
- . The organization of the "UGIF" in nazi occupied France. *Zosa Szajkowski*. Jewish Soc. Studies. July, 1947.
- . The French condition. "*European*." The Petiot case. *Albert Palle*. Politics. July-Aug., 1947.
- . The outlook for democracy in France. *Charles A. Micaud*. Va. Quar. Rev. Summer, 1947.
- General and Comparative. New type of democracy [in Russian]. *E. Varga*. World Econ. and Pol. [Russian]. Mar., 1947.
- . Postwar nationalization of industry [in Russian]. *L. Eventov*. World Econ. and Pol. [Russian]. Apr., 1947.
- . Native administration in Africa. *Lord Hailey*. Int. Affairs. July, 1947.
- . Some social and cultural problems of the middle east. *A. S. Eban*. Int. Affairs. July, 1947.
- . Industry and agrarian reform. *Horace Belshaw*. Far Eastern Survey. July 2, 1947.
- . The holy see and the Byzantine empire. *Eugene Cardinal Tisserant*. Rev. of Pol. July, 1947.
- . The present crisis in Latin America. *Edward J. Schuster*. Cath. World. July, 1947.
- . Latin America's multiplying peoples. *Kingsley Davis*. For. Affairs. July, 1947.
- . Some characteristics of Mohammedan law. *Leon Y. Yankwich*. So. Calif. Law Rev. July, 1947.
- . Latin America—for natives only. *R. Hart Phillips*. Am. Mercury. Aug., 1947.
- . Germany and the European economy. *R. T. McKenzie*. Can. Forum. Aug., 1947.
- Germany. Agrarian problem in Germany [in Russian]. *A. Petrushov*. World Econ. and Pol. [Russian]. Mar., 1947.
- . The historical significance of the Weimar republic. *Eric C. Kollman*. Univ. of Toronto Quar. Apr., 1947.
- . Jewish life in liberated Germany. *K. S. Pinson*. Jewish Soc. Studies. Apr., 1947.
- . Allied policy on wages in occupied Germany. *Matthew Kelly*. Int. Labour Rev. May, 1947.
- . Postwar German parties. *Claire Nix*. Current Hist. June, 1947.
- . Germany in chaos. *Irving Brown*. Am. Federationist. July, 1947.
- . Germany's aims. *Kurt Schumacher*. Can. Forum. July, 1947.
- . Letter from Germany: "der Papierkrieg." *Editors*. Fortune. July, 1947.
- . American occupation policies in Germany. *Harold Zink*. Rev. of Pol. July, 1947.
- . Jewish communities in Germany from the age of enlightenment to their destruction by the nazis. *Adolf Kober*. Jewish Soc. Studies. July, 1947.
- . The days of our death [concentration camps]. *David Rousset*. Politics. July-Aug., 1947.
- . The anatomy of a "good German." *Henry B. Rubin*. Chicago Jewish Forum. Summer, 1947.
- . Re-education of Germany. *William M. Landeen*. World Affairs Interpreter. Summer, 1947.

Great Britain. The British balance of payments and problems of domestic policy. *Alfred E. Kahn*. Quar. Jour. of Econ. May, 1947.

———. The British imperial preference system. *David L. Glöckman*. Quar. Jour. of Econ. May, 1947.

———. Crime and its treatment. *Henry Slessor*. New procedure in parliament. *Derek Walker-Smith*. Fortnightly. June, 1947.

———. The liberal revival. *Isaac Foot*. Contemp. Rev. June, 1947.

———. Britain balances her budget. *Gordon Cummings*. Taxes. June, 1947.

———. Britain's next big crisis. *C. Hartley Grattan*. Harper's. July, 1947.

———. Office workers in Britain. *Fred C. Woods*. Am. Federationist. July, 1947.

———. Britain's problem of transport nationalization. *H. T. Banyard*. Pub. Util. July 17, 1947.

———. Britain welcomes visitors. *Lord Hacking*. Britain in civil aviation. *F. W. Winterbotham*. Commonwealth and Empire Rev. July, 1947.

———. The general election in retrospect. *W. L. Burn*. Nineteenth Cent. July, 1947.

———. The town and country planning bill. *C. N. Thornton-Kemsley*. Nat. Rev. July, 1947.

———. Conciliation in divorce cases. *Claud Mullins*. Fortnightly. July, 1947.

———. The ten-year housing program. *Gilbert McAllister*. Fortnightly. July, 1947.

———. The man of Munich [Neville Chamberlain]. *Leonard Woolf*. Equal pay. *Gertrude Williams*. Trade unions, workers, and production. *G. D. H. Cole*. Pol. Quar. July-Sept., 1947.

———. Recent developments in the work of the civil service commission. *Frederic Milner*. Pub. Admin. Summer, 1947.

Greece. The Greeks. *George Brittl*. Survey Graphic. May, 1947.

———. Liberalism in Greece. *Peter Calvocoressi*. Liberal. July, 1947.

———. The decline and fall of Greek democracy, 1933-1938, part II. *Sydney Waterlow*. July-Sept., 1947.

Guatemala. Due process for ex-dictators; a study of judicial control of legislation in Guatemala. *J. A. C. Grant*. Am. Pol. Sci. Rev. June, 1947.

Hong Kong. A new Hong Kong. *Jack Chen*. Fortnightly. July, 1947.

Hungary. The land question in Hungary. *F. Merö*. Am. Jour. of Econ. and Sociol. July, 1947.

———. Postwar Hungary. *Andrew Gyergy*. Rev. of Pol. July, 1947.

———. Hungarian anvil. *William Rydzl*. Fortnightly. July, 1947.

India. India's year of decision. *Leopold C. Klausner*. World Affairs Interpreter. Spring, 1947.

———. Deathbed of an Indian empire. Quitting India. *Editors*. Round Table. June, 1947.

———. India; today and tomorrow. *H. N. Brailsford*. Contemp. Rev. June, 1947.

———. The independence of India. *Phillips Talbot*. For. Policy Rep. June 15, 1947.

———. India's fateful hour. *Frank Brown*. Commonwealth and Empire. Rev. July, 1947.

———. India; the transfer and after. *Frederick James*. Progress in Indian states. *Correspondent*. The advisory planning board to the government of India. *Correspondent*. Asiatic Rev. July, 1947.

———. Dark days in India. *William Barton*. Fortnightly. July, 1947.

- . The defence of India. *William P. Barton*. Fortnightly. July, 1947.
- . Union of India. *Robert Holland*. Int. Jour. Summer, 1947.
- Indo-China. Error in Laos. *Germaine Krull Ivens*. Far Eastern Survey. June 4, 1947.
- Indonesia. The Indo-European problem in Indonesia. *W. F. Wertheim*. Pacific Affairs. Sept., 1947.
- Italy. A split in the Italian socialist party [in Russian]. *S. Slobodskay*. World Econ. and Pol. [Russian]. Apr., 1947.
- . Machiavelli's plentiful in Italy today. *M. S. Davis*. Labor and Nation. May-June, 1947.
- . Italy: east or west? *Editors*. Fortune. Aug., 1947.
- Japan. Japanese administration; a comparative view. *M. J. Esman*. Pub. Admin. Rev. Spring, 1947.
- . Japan's textile industry. *James G. Torrens*. Far Eastern Survey. June 4, 1947.
- . The press in postwar Japan. *Robert H. Berkov*. Far Eastern Survey. July 23, 1947.
- . Taxes in Japan. *H. E. Pierson*. Taxes. Aug., 1947.
- . The great purge in Japan. *Harold S. Quigley*. Pacific Affairs. Sept., 1947.
- Korea. Hodge's Korea. *Richard E. Lauterbach*. Va. Quar. Rev. Summer, 1947.
- Malaya. Malayan rubber policies. *P. T. Bauer*. Economica. May, 1947.
- . Malaya in transition. *Max Seitelman*. Britain's policy in Malaya. *Virginia J. Adloff*. Far Eastern Survey. May 21, 1937.
- . Political thought in Malaya. *Max Seitelman*. Opposition in Malaya. *Virginia T. Adloff*. Far Eastern Survey. June 4, 1947.
- Netherlands. The Netherlands in a changing world. *J. J. Schokking*. Int. Affairs. July, 1947.
- . Inheritance taxation in the United States and Netherlands. *A. Van Keulen*. Taxes. Aug., 1947.
- New Zealand. New Zealand; industrial strife. *Editors*. Round Table. June, 1947.
- Philippines. Great expectations in the Philippines. *Shirley Jenkins*. Far Eastern Survey. Aug. 13, 1947.
- Portugal. In defense of Portugal. *Elisabeth F. Hirsch*. Current Hist. June, 1947.
- South Africa. The crown itinerant. South Africa; the royal visit. *Editors*. Round Table. June, 1947.
- . South Africa and the Indians. *Richard Goold-Adams*. Nineteenth Cent. June, 1947.
- . South Africa—land of conflict. *Grant S. McClellan*. For. Policy Rep. June 1, 1947.
- Soviet Union. Principles of Soviet criminal law. *Harold J. Berman*. Yale Law Jour. May, 1947.
- . Zigzags à travers la vie soviétique. *Raymond Henry*. Rev. Pol. et Parl. June, 1947.
- . Russia's internal economic problems. *Vera Michales Dean*. For. Policy Rep. July 1, 1947.
- . Soviet Union; trends in prices, rations, and wages. *I. B. Kravis* and *Joseph Mintzes*. Mo. Labor Rev. July, 1947.
- . I was a "free" Russian. *Dmitri Buligin*. Am. Mercury. Aug., 1947.
- . Stalin's eldorado. *Boris Nikolaevsky*. Fortune. Aug., 1947.
- Spain. Divided Spain. *Allison Peers*. Contemp. Rev. July, 1947.
- . Spain in the post-war world. *Robert Okin*. For. Policy Rep. Aug. 1, 1947.

INTERNATIONAL RELATIONS

Books and Pamphlets

Boyd, A. K. H. The United Nations organization handbook. Pp. 210. London: Pilot Press. 1946.

Hickman, Charles A., and Others. World economic problems; nationalism, technology, and cultural lag. Pp. 400. N.Y.: Pitman. 1947.

Jackson, S. Manual of international law—with epitomes of leading cases and conventions. 2nd ed. Pp. 105. London: Sweet. 1947.

Langer, Robert. Seizure of territory, the Stimson doctrine and related principles in legal theory and diplomatic practice. Pp. 313. Princeton: Princeton Univ. Press. 1947.

Lorenzen, Ernest G. Selected articles on the conflict of laws. Pp. 542. New Haven: Yale Univ. Press. 1947.

Richards, Ivor A. Nations and peace. Pp. 159. N.Y.: Simon and Schuster. 1947.

Towle, Lawrence W. International trade and commercial policy. Pp. 793. N.Y.: Harper. 1947.

Weldon, James M. Conflict with communism. Pp. 103. New Haven (Conn.): Amer. Found. 1947.

Articles

Aëronautics. World order in air transport. *A. C. McKim.* Int. Jour. Summer, 1947.

Arbitration. Fifty years of the Chamizal controversy—a note on international arbitral appeals. *Percy Don Williams, Jr.* Tex. Law Rev. May, 1947.

Atomic Energy. Atomic energy up to date. *Editors.* Round Table. June, 1947.

Austria. The war and the Austrian archives. *R. J. Rath.* Jour. of Cent. Eur. Affairs. Jan., 1947.

Benelux. The Dutch-Belgian economic union. *David T. Roberts.* For. Affairs. July, 1947.

British Commonwealth. England's postwar relations with dominions [in Russian]. *A. Mileykowski.* World Econ. and Pol. [Russian]. Feb., 1947.

Canada. Canada and foreign affairs. *W. L. Morton.* Can. Hist. Rev. June, 1947.

China. The Sino-American treaty—Part I. *Charles J. Foz.* Far Eastern Survey. June 18, 1947.

———. The Sino-American treaty—Part II. *Charles J. Foz.* Far Eastern Survey. Aug. 13, 1947.

———. The Sino-Soviet treaty of friendship and alliance. *G. W. Atkinson.* Int. Affairs. July, 1947.

———. The China market. *Dorothy Borg.* Far Eastern Survey. July 2, 1947.

———. China's prospects and U. S. policy. *John K. Fairbank.* Far Eastern Survey. July 2, 1947.

———. Post-mortem on American mediation in China. *Michael Lindsay.* Int. Jour. Summer, 1947.

Disarmament. Reduction and control of armaments. *J. E. Harley.* World Affairs Interpreter. Spring, 1947.

Economic and Social Council. An unfortunate decision. *A. Loveday.* Int. Organization. June, 1947.

Egypt. L'Egypte recouvre son indépendance. *Thomas Kyriasi.* Rev. Droit Int. Jan.-Mar., 1947.

Food. The food and agriculture organization at work. *Gove Hambidge.* Int. Conciliation. June, 1947.

- . Food and agriculture organization of the United Nations. *H. Belshaw*. Int. Organization. June, 1947.
- . L'organisation internationale de l'agriculture. *René Cercler*. Rev. Pol. et Parl. June, 1947.
- . The world food situation. *J. E. Wall*. Int. Affairs. July, 1947.
- France. The failure of an attempted Franco-German rapprochement, 1830-1840. *Oscar J. Hammen*. Am. Hist. Rev. Oct., 1946.
- Germany. The German prospect. *W. T. Wells*. Fortnightly. July, 1947.
- Great Britain. The colonies and defence. *L. D. Gammans*. Commonwealth and Empire Rev. July, 1947.
- . The defence of Britain. *Leonard F. Behrens*. Liberal. July, 1947.
- . Does our migration policy make sense? *Brinley Thomas*. Pol. Quar. July-Sept., 1947.
- Greece. Anglo-American policy in Greece. *Richard W. Van Alstyne*. Current Hist. June, 1947.
- . The United Nations and the problem of Greece. *Harry N. Howard*. Dept. of State Bull. Aug. 10, 1947.
- India. The future of Indo-British relations. *P. D. Saggi*. Asiatic Rev. July, 1947.
- International Conferences. Report on Moscow meeting of the council of foreign ministers. *John Foster Dulles*. Int. Conciliation. June, 1947.
- International Law. Les revendications allemandes sur les territoires polonais occidentaux au point de vue du droit pénal international. *M. Musskat*. Rev. Droit Int. Jan.-Mar., 1947.
- . Modernization of the law of international contractual agreements. *Philip C. Jessup*. Am. Jour. of Int. Law. Apr., 1947.
- . Vitoria and international law. *J. L. Brierly*. Dublin Rev. Spring, 1947.
- . The equality of states as dogma and as reality, part IV: Revindication of the principle of legal equality of states, 1871-1914. *Adolf Lande*. Pol. Sci. Quar. June, 1947.
- . International legal theories evolved at Nuremberg. *Justice Birkett*. Int. Affairs. July, 1947.
- . Rule of law. *F. A. Voigt*. Nineteenth Cent. July, 1947.
- . Putting the Nuremberg law to work. *W. E. Jackson*. For. Affairs. July, 1947.
- International Trade and Finance. The ITO charter. *R. F. Mikesell*. Am. Econ. Rev. June, 1947.
- . Conflicts of principle in drafting a trade charter. *Jacob Viner*. For. Affairs. July, 1947.
- . International bank. *J. J. McCloy*. World Affairs. Summer, 1947.
- Korea. Korea; apple of discord. *G. M. Friters*. Contemp. Rev. July, 1947.
- Labor. W. F. T. U. progress at Prague. *Editors*. Labour. July, 1947.
- Language. World citizenship and world language. *S. Liebeck*. Am. Esperantist. Jan.-Apr., 1947.
- Peace Problems. Le traité de paix avec l'Italie; le traité de paix avec la Roumanie. *Antoine Sottile*. Paix totale ou guerre. *Antoine Sottile*. Rev. Droit Int. Jan.-Mar., 1947.
- . The first peace agreements [in Russian]. *Z. Lippay*. World Econ. and Pol. [Russian]. Feb., 1947.
- . Poker at Moscow. *Editors*. Round Table. June, 1947.
- . Intolerance, enemy of peace. *Editors*. Round Table. June, 1947.
- . The people's peace. *Archibald MacLeish*. Atlantic. July, 1947.

- . Belgian views on the German treaty. *Baron de Gruben*. Int. Affairs. July, 1947.
- . Patterns of peacemaking. *Charles K. Webster*. For. Affairs. July, 1947.
- Regions.** The Inter-Asian relations conference. *Editors*. Round Table. June, 1947.
- . The Asian conference. *Nicholas Mansergh*. Int. Affairs. July, 1947.
- . Latin America and the UN. *J. E. Harley*. World Affairs Interpreter. Summer, 1947.
- Soviet Union.** Les Russes domineront-ils l'Europe centrale? *J. F. Kover*. Rev. Pol. and Parl. June, 1947.
- . Pobedonostsev and Russian influence in the Balkans, 1881-1888. *M. C. Wren*. Jour. of Mod. Hist. June, 1947.
- . What does Russia want? *Edward Crankshaw*. Nat. Rev. June, 1947.
- . Transcript of Stalin-Stassen conference. Int. Conciliation. June, 1947.
- . Russia and the middle east. *W. J. Kolarz*. Fortnightly. June, 1947.
- . Russia v. America on the air. *Neal Stanford*. Am. Mercury. July, 1947.
- . The Russian problem. *Arthur G. Marshall*. Commonwealth and Empire Rev. July, 1947.
- . The Russia enigma. *M. Phillips Price*. Contemp. Rev. July, 1947.
- . The western frontiers of Russia. *Andrew Gyorgy*. Rev. of Pol. July, 1947.
- . The sources of Soviet conduct. X. The lost opportunity for Russian-Polish friendship. *W. W. Kulski*. For. Affairs. July, 1947.
- . Negotiating with the Russians. *James B. Reston*. Harper's. Aug., 1947.
- . The Russo-American impasse. *John E. Uhler*. Cath. World. Aug., 1947.
- Transportation.** Geneva and the I.T.O. *K. R. Wilson*. Int. Jour. Summer, 1947.
- UNESCO.** UNESCO. *Herbert J. Abraham*. World Affairs. Summer, 1947.
- War Crimes.** De la justice internationale à la paix: les enseignements de Nuremberg. *Jean Graven*. Rev. Droit. Int. Jan.-Mar., 1947.
- . After Nuremberg, Tokyo. *A. Frederick Mignone*. Tex. Law Rev. May, 1947.
- World Organization.** Functions of the United Nations. *John Eric Nordskog*. World Affairs Interpreter. Spring, 1947.
- . The integration of the Inter-American security system into the United Nations. *J. Lloyd Mechem*. Jour. of Pol. May, 1947.
- . The security council in the United Nations. *Joseph E. Johnson*. Ill. Law Rev. May-June, 1947.
- . The middle powers in the United Nations system. *G. DeT. Glazebrook*. International organizations; summary of activities. *Editors*. Int. Organization. June, 1947.
- . The failure of the United Nations. *Christopher Norborg*. Am. Mercury. July, 1947.
- . Amendments for the charter of UN. *Rolland Bradley*. Collective functions of the U.N. *John E. Nordskog*. World Affairs Interpreter. Summer, 1947.
- . Towards a united Europe. *Freda B. Lockhart*. Nineteenth Cent. July, 1947.
- . International agencies for European reconstruction. *Harold H. Huicheson*. For. Policy Rep. July 15, 1947.
- . Atomic energy and world government. *P. A. Rudd*. Int. Jour. Summer, 1947.
- . U. S. strategic area or U.N. trusteeship. *John M. Maki*. Far Eastern Survey. Aug. 13, 1947.

World War II. When did the war begin? *Edwin Borchard*. Columbia Law Rev. July, 1947.

———. Stasm; psychological warfare and literary criticism. *Paul M. A. Linbarger*. So. Atlan. Quar. July, 1947.

LOCAL GOVERNMENT

Books and Pamphlets

Atkinson, Orida. Over at Uncle Joe's; Moscow and me. Pp. 325. Indianapolis: Bobbs-Merrill. 1947.

Barratt, Charles. Your local authority [Great Britain]. Pp. 201. London: I. Pitman. 1946.

Smith, W. S. The organization of official traffic agencies in cities and states. Pp. 100. Saugatauck (Conn.): Eno Found. for Highway Traffic Control. 1946.

Ware, Caroline F. Estudio de la comunidad. Pp. 153. San Juan: Univ. of Puerto Rico. 1947.

Articles

Fires. The world's largest fire-alarm system [N.Y.C.]. *William Hennessy*. Am. City. Aug., 1947.

Health. The health insurance plan of greater New York begins service. *Neva R. Deardorff*. Soc. Service Rev. June, 1947.

———. Appraisal of municipal hospital management. *Paul K. Morris*. Pub. Management. June, 1947.

Juvenile Delinquency. Juvenile delinquency in Philadelphia and economic trends. *John Otto Reinemann*. Temple Law Quar. Apr., 1947.

Local Government Abroad. Town planning in India. *Walter Gurner*. Asiatic Rev. July, 1947.

Miscellaneous. Harold D. Smith—what he meant to state and local government. *H. A. Olson*. Pub. Admin. Rev. Spring, 1947.

———. The social integration of American cities of more than 100,000 population. *Robert C. Angell*. Am. Sociol. Rev. June, 1947.

Personnel. The Boston police strike of 1919. *Richard L. Lyons*. New England Quar. June, 1947.

———. Handling employee grievances in Wichita. *R. E. McClure* and *Hugo Wall*. Pub. Person. Rev. July, 1947.

Population. Effects of population changes on city services. *Victor Roterus*. Pub. Management. June, 1947.

Revenue. Local income tax in the United States. *Ronald E. Gregg*. Pub. Admin. Summer, 1947.

———. New sources of income for municipalities. *G. D. Brabson*. Taxes. June, 1947.

Traffic. Traffic can be controlled. *Franklin M. Kreml*. Pub. Management. July, 1947.

Transportation. Urban transportation of yesterday and today. *E. D. Merrill*. Pub. Util. July 3, 1947.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Berggras, Eivind J. Der stat und der mensch; trans. Pp. 387. Stockholm; N.Y.: Neuer Verlag. 1947.

Bienenfeld, F. R. Rediscovery of justice. Pp. 263. London: Allen and Unwin. 1947.

Boland, M. D. Reinterpreting history; or, the fight for democracy [the Southern, Confederacy]. Pp. 188. Tacoma: Maryland Bookcraft. 1947.

Ebenstein, William, ed. Man and the state; modern political ideas. Pp. 797. N.Y.: Rinehart. 1947.

Foote, Henry W. Thomas Jefferson, champion of religious freedom, advocate of Christian morals. Pp. 79. Boston: Beacon Press. 1947.

Freeman, Ruth. Quakers and peace. Pp. 70. Philadelphia: Pacifist Research Bur. 1947.

Friedmann, W. Legal theory. 2nd rev. imp. Pp. 448. London: Stevens. 1947.

Gruchy, Allan G. Modern economic thought; the American contribution. Pp. 670. N.Y.: Prentice-Hall. 1947.

Hegedus, Adam de. Patriotism or peace? Pp. 266. N.Y.: Scribner's. 1947.

Hobbes, Thomas. Leviathan; or, the matter, forme and power of a common-wealth. Pp. 535. N.Y.: Macmillan. 1947.

Klein, Lawrence R. The Keynesian revolution. Pp. 218. N.Y.: Macmillan Co. 1947.

Ledbetter, Elmer E. Peace by thinking. Pp. 492. Detroit: Bloch. 1947.

Leduc Valdi. Le marxisme est-il dépassé? Pp. 175. Paris: Editions Raisons d'Être. 1946.

Locke, John. The second treatise on civil government, and a letter concerning toleration. Pp. 204. N.Y.: Macmillan. 1947.

Obermann, Karl. Joseph Weydemeyer, pioneer of American socialism. Pp. 160. N.Y.: Int. Pubrs. 1947.

Radhakrishnan, S. Religion and society. Pp. 242. London: Allen and Unwin. 1947.

Romanell, Patrick. Croce versus Gentile; a dialogue on contemporary Italian philosophy. Pp. 90. N.Y.: S. F. Vanni. 1947.

Rouček, Joseph S., and *Others*, eds. Social control. Pp. 584. N.Y.: Van Nostrand Co. 1947.

Rousseau, Jean Jacques. Considerations on the government of Poland; trans. by Willmoore Kendall. Pp. 69. Minneapolis: Minn. Bk. Store. 1947.

Runciman, Steven. The Medieval Manichee: a study of the Christian dualist heresy. Pp. 212. London: Cambridge, 1947.

Somerhausen, Luc. L'humanisme agissant de Karl Marx. Pp. 290. Paris: Richard-Masse, 1946.

Sorokin, Pitirim A. Society, culture, and personality: their structure and personality. Pp. 756. N.Y.: Harper. 1947.

Watts, J. Walsh. Survey of Old Testament teachings. Vols. 1 and 2. Pp. 295. Nashville: Broadman. 1947.

Articles

Acton. Lord Acton; apostle of liberty. *G. P. Gooch*. For. Affairs. July, 1947.

Adams, Hamilton, Jefferson. Philosopher-statesmen of the republic. *Adrienne Koch*. Sewanee Rev. Summer, 1947.

Aristotle. Aristotle and the agrarians. *John S. Marshall*. Rev. of Pol. July, 1947.

Capitalism. The bourgeois science searching ways for rescue of capitalism from crises [in Russian]. *L. Mendelson*. World Econ and Pol [Russian] Feb., 1947.

———. Conservatism and capitalism. *Aubrey Jones*. Nineteenth Cent. June, 1947.

Democracy. Dawn or dusk of democracy? *Altiero Spinelli*. Soc. Research. June, 1947.

- . Democracy as a regulative idea and as an established régime: Russia and Germany. *Maz Laserson*. Jour. of the Hist. of Ideas. June, 1947.
- De Reynold. How to save Europe. *Eugene Bagger*. Cath. World: Aug., 1947.
- European Culture. The unity of European culture. *Martin Turnell*. Dublin Rev. Spring, 1947.
- Executives. The functions of the executive. *E. Williams*. Am. Jour. of Econ. and Sociol. July, 1947.
- Fascism. Ezra Pound and the fascist complex. *Charles I. Glicksberg*. So. Atlan. Quar. July, 1947.
- Hegel. Hegel and the problem of punishment. *O. K. Flechtheim*. Jour. of the Hist. of Ideas. June, 1947.
- History. The meaning of history. *T. S. Gregory*. Dublin Rev. Spring, 1947.
- Human Nature. Philosophical conceptions of man. *D. S. Robinson*. World Affairs Interpreter. Summer, 1947.
- Industrial Relations. Sociological theory in industrial relations. *Herbert Blumer*. Am. Sociol. Rev. June, 1947.
- Henry James. Henry James as a social critic. *Clinton Oliver*. Antioch. Rev. June, 1947.
- Jefferson. Jefferson; the man and the myth. *Nathan Schachner*. Am. Mercury. July, 1947.
- Jurisprudence. The political and social factor in legal interpretations; an introduction. *Roscoe Pound*. Mich. Law Rev. Mar., 1947.
- . Social engineering through law. *S. P. Simpson* and *Ruth Field*. N.Y. Univ. Law Quar. Rev. Apr., 1947.
- Keynes. The fallacies of Lord Keynes' general theory. *Jacques Rueff*. Quar. Jour. of Econ. May, 1947.
- Leadership. The superimposed leader. *David F. Demarcke*. Sociol. and Soc. Research. July-Aug., 1947.
- A. R. M. Lower. A. R. M. Lower: philosopher-historian. *Frank H. Underhill*. Can. Forum. July, 1947.
- Marxism. Marxism and the scientific tradition. *D. R. G. Owen*. Univ. of Toronto Quar. Apr., 1947.
- . Marxism reviewed. *Kingsley Martin*. Pol. Quar. July-Sept., 1947.
- . Marxism and philosophy. *Merleau-Ponty*. Politics. July-Aug., 1947.
- Mercantilism. Mercantilism and Keynesianism. *L. A. Hahn*. Am. Jour. of Econ. and Sociol. July, 1947.
- Political Ethics. Neither victims nor executioners. *Albert Camus*. Eye for eye. *Simone de Beauvoir*. Politics. July-Aug., 1947.
- Public Opinion. Sociological theory in public opinion and attitude studies. *Alfred McClung Lee*. Am. Sociol. Rev. June, 1947.
- Race. Sociological theory and race relations. *E. F. Frazier*. Am. Sociol. Rev. June, 1947.
- . Max Weber on race. *Ernst M. Manasse*. Soc. Research. June, 1947.
- Relativism. The challenge of political relativism. *René De Visme Williamson*. Jour. of Pol. May, 1947.
- . Beyond relativism in political theory. *Arnold Brecht*. Am. Pol. Sci. Rev. June, 1947.
- Religion. Religion in education. *W. R. Inge*. Fortnightly. July, 1947.
- . Christianity in Anglo-Saxon politics. *Michael de la Bedoyere*. Cath. World. July, 1947.
- . Religion and civilization. *Norman Thomas*. Atlantic. Aug., 1947.
- Revolution. The fiscal component of revolution; an essay in fiscal sociology. *Fritz Karl Mann*. Rev. of Pol. July, 1947.

———. Materialism and revolution. Jean-Paul Sartre. Politics. July-Aug., 1947.

Socialism. The socialist tradition. *Matthew Ruland*. Nat. Rev. July, 1947.

Soviet Science. Soviet science and political philosophy. *Karl Sax*. Scientific Mo. July, 1947.

Taoism. The Chinese mind; its Taoist substratum. *Lin Tung-Chi*. Jour. of the Hist. of Ideas. June, 1947.

Toynbee. Toynbee's "A study of history." *Francis Neilson*. Am. Jour. of Econ. and Sociol. July, 1947.

———. Spengler and Toynbee. *Nothrop Frye*. Can. Forum. Aug., 1947.

Trade Unionism. The social function of trade unionism. *Frank Tannenbaum*. Pol. Sci. Quar. June, 1947.

Values. Political terms and spiritual values. *Rosalind Murray*. Dublin Rev. Spring, 1947.

MISCELLANEOUS

Books and Pamphlets

Bercovici, Konrad. The exodus [novel about Moses]. Pp. 319. N.Y.: Beechhurst Press. 1947.

Fügel, John C. Population, psychology, and peace. Pp. 117. London: Watts & Co. 1947.

Klein, Jacob, and Colvin, Woolf. Economic problems of today. Pp. 676. Chicago: Lyons and Carnahan. 1947.

Ogburn, W. F., and Nimkoff, M. F. A handbook of sociology. Pp. 644. London: K. Paul, Trench, Trubner, & Co. 1947.

Pierson, John H. G. Full employment and free enterprise. Pp. 183. Washington: Pub. Affairs Press. 1947.

Sen. Satyendranath. Elementary civics. Pp. 353. Calcutta: Book Land Ltd. 1945.

Articles

Israel. Israel: state or religion? *Julian Franklyn*. Contemp. Rev. July, 1947.

Keynes. John Maynard Keynes, 1883-1946. *E. A. C. Robinson*. Econ. Jour. Mar., 1947.

Sociology. Sociology as a natural science. *Read Bain*. July, 1947.

Teaching Political Science. Undergraduate instruction in political science: The introductory course in government. *Francis O. Wilcox*. The major in political science. *Harvey C. Mansfield*. Undergraduate training for the public service. *James W. Fesler*. The use of visual aids in political science teaching. *John D. Millett*. The teacher of government. *Ethan P. Allen*. Am. Pol. Sci. Rev. June, 1947.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Administrative Office of United States Courts

Judicial conference. Report . . . special session, Apr., 1947. Washington: Govt. Ptg. Off., 1947. 48 p.

Civil Aeronautics Authority

Civil aeronautics administration. Selected and annotated bibliography on social, political, economic, and international aspects of aviation. Washington, 1947. 65 p. (processed).

Commerce Department

Census bureau. City debt in 1945. Washington, 1947. 59 p. (processed).

——— Summary of county government finances in 1945. Washington, 1947. 13 p. (processed).

——— Current population reports. Population characteristics. (In April, 1947, the Bureau of the Census conducted sample population surveys in a number of metropolitan districts. For each district, three reports are being published: Series P-21, which presents general population data; Series P-51, labor force data; and Series P-71, housing data. Figures for the United States as a whole will be presented in separate reports.)

——— Governmental debt in the United States: 1946. Final. Washington, 1947. 11 p. (processed).

——— City employment in 1946. Washington, 1947. 56 p. (processed).

——— County employment in 1947. (Jan., 1947.) Washington, 1947. 26 p. (processed).

——— Public employment in October, 1946. Final. Washington, 1947. 13 p. (processed).

——— State and local government employment in selected metropolitan areas in 1947. Washington, 1947. 11 p.

——— State finances: 1945. State tax collections in 1945. Final. Washington, 1947. 43 p. (processed).

——— State government finances in 1946. (In July, 1945, figures for twenty states had been issued for 1946.)

Congress

House of representatives. Education and labor committee. Collective bargaining. Amendments to national labor relations act, hearings, 80th Cong., 1st Sess., on bills to amend and repeal national labor relations act: Topical guide and general index to v. 1-5, v. 6. Washington: Govt. Ptg. Off., 1947. 3875-3927 p.

——— *Expenditures in executive departments committee.* The investigation of the effectiveness of the Hobbs amendment in suppressing racketeering: hearings, 80th Cong., 1st Sess. . . . Washington: Govt. Ptg. Off., 1947. 538 p.

——— Reorganization plan no. 3 of 1947, hearings, 80th Cong., 1st Sess., on H. Con. Res. 51. . . . Washington: Govt. Ptg. Off., 1947. 70 p. 20¢.

——— Reorganization plans nos. 1 and 2 of 1947, hearings, 80th Cong., 1st Sess., on H. Con. Res. 49. . . . Washington: Govt. Ptg. Off., 1947. 248 p. 40¢.

——— *Foreign affairs committee.* Assistance to Greece and Turkey . . . hearings . . . 80th Cong., 1st Sess., on H. R. 2616. Washington: Govt. Ptg. Off., 1947. 387 p.

——— Foreign relations. United States information and educational exchange act of 1947, hearings . . . 80th Cong., 1st Sess., on H. R. 3342, to enable govt. of U. S. more effectively to carry on its foreign relations by means of promotion of interchange of persons, knowledge, and skills between people of U. S. and other countries, and by means of public dissemination abroad of information about U. S., its people, and its policies. . . . Washington: Govt. Ptg. Off., 1947. 241 p. 40¢.

——— *Interstate and foreign commerce committee.* National science foundation,

hearings, 80th Cong., 1st Sess., on [various bills]. Washington: Govt. Ptg. Off., 1947. 279 p. 45¢

——— *Un-American activities committee*. Investigation of un-American propaganda activities in U. S., hearings, 80th Cong., 1st Sess., on H. R. 1884 and H. R. 2122, bills to curb or outlaw Communist party of U. S. . . . Washington: Govt. Ptg. Off., 1947. 340 p. 55¢.

——— Investigation of un-American propaganda activities in U. S. (regarding Leon Josephson and Samuel Liptzen), hearings, 80th Cong., 1st Sess., Washington: Govt. Ptg. Off., 1947. 86 p. 20¢.

——— *Public lands committee*. Statehood for Hawaii: hearings, 80th Cong., 1st Sess., on [various bills]. . . . Washington: Govt. Ptg. Off., 1947. 310 p. tables.

——— *Ways and means committee*. Reciprocal trade agreements program, hearings, 80th Cong., 1st Sess., on operation of trade agreements act and proposed international trade organization. . . . Washington: Govt. Ptg. Off., 1947. 292 p. 50¢.

——— *Reduction of non-essential federal expenditures joint committee*. Government officials and employees. Reduction of non-essential federal expenditures, additional report pursuant to sec. 601 of revenue act of 1941 on federal employment. Washington: Govt. Ptg. Off., 1947. 26 p. (S. doc. 57, 80th Cong., 1st Sess.)

Senate. Expenditures in executive departments committee. Commission on organization of executive branch of the government, hearings, 80th Cong., 1st Sess., on S. 164, for establishment of commission on organization of executive branch of the government. Washington: Govt. Ptg. Off., 1947. 59 p. 20¢.

Foreign relations committee. Convention with France on double taxation, hearings before subcommittee, 80th Cong., 1st Sess., on Executive A, convention with France on double taxation. . . . Washington: Govt. Ptg. Off., 1947. 191 p. 35¢.

——— Treaties of peace with Italy, Rumania, Bulgaria, and Hungary, hearings, 80th Cong., 1st Sess., on Executive F, G, H, and I . . . Washington: Govt. Ptg. Off., 1947. 196 p. 35¢.

Library of Congress

Paraguay: a guide to the official publications of other American republics, by J. B. Childs. Washington: Govt. Ptg. Off., 1947. 61 p. (Latin-American series 15.) 15¢.

Chile, Otto Neuberger, comp. (Latin-American series no. 17.) Washington: Govt. Ptg. Off., 1947. 94 p. 25¢.

(The *Library of Congress Quarterly Journal of Current Acquisitions* for May, 1947, pp. 60-64, contains an article by William S. Jenkins, director, Legislative documents microfilm project, on that project and its aims.)

National Housing Agency

State legislation. Comparative digest of principal provisions of state urban redevelopment legislation. Washington, 1947. 88 p. (processed).

Navy Department

Office of the chief of naval operations. Civil affairs studies: I. Illustrative cases from military occupations. OPNAV 50E-10, Washington, 1944. 101 p. (Has been on restricted list.)

Office of Price Administration

The beginnings of OPA. Washington: Govt. Ptg. Off., 1947. 246 p. 50¢. (Price administration office, Historical reports on war administration 1.)

Social Security Administration

Compilation of social security laws, including social security act, as amended, and related enactments through March 1, 1947. Washington: Govt. Ptg. Off., 1947. 117 p. 25¢.

Selective Service System

Military obligation. Backgrounds of selective service: Military obligation, the American tradition, compilation of enactments of compulsion from earliest settlements of original 13 colonies in 1607 through Articles of Confederation (with bibliography; prepared and compiled by Arthur Vollmer). Washington: Govt. Ptg. Off., 1947. 135 p. \$1.50. (Special monograph 1, v. 2, pt. 1, General information.)

State Department

The following in the numbered series of State Department publications have appeared; all from Govt. Ptg. Off., 1947.

2693. Protection of foreign interests; a study in diplomatic and consular practice. By William McHenry Franklin. 328 p. \$1.50.

2749. The administrative subdivisions of Japan. (Gazetteer.) Far Eastern series 19. 652 p. Not available for public purchase.

2763. Trade relations with the Philippines, understanding effected through exchanges of notes between the United States of America and other governments . . . 22 p. 10¢.

2765. International military tribunal for the Far East: Established at Tokyo, January 19, 1946. Treaties and other international acts series 1589. 16 p. 10¢.

2770. Papers relating to the foreign relations of the United States: The Paris peace conference, 1919. Vol. X. 807 p. \$2.75.

2771. United Nations educational, scientific, and cultural organization: Constitution . . . treaties, and other international acts series 1580. 29 p. 10¢.

2773. Report of the delegation of the United States of America to the Third Inter-American conference on agriculture, Caracas, Venezuela, July 24–August 7, 1945. Including final act and related documents. Conference series 94. 178 p. 40¢.

2794. American policy in occupied areas. 31 p. 20¢.

2795. The inauguration of the trusteeship system of the United Nations. United States–United Nations information series 16. 11 p. 10¢.

2801. Publications of the Department of State, January 1, 1945–January 1, 1947. 35 p. Free.

2821. First session of the General conference of UNESCO, Paris, November 19–December 10, 1946. Report of the United States delegation. 157 p. 35¢.

2826. Food and agriculture organization of the U. N. Part I: Report of the U. S. delegation to the preparatory commission on world food proposals. Part II: Proposals for amendment of FAO constitution. 26 p. 10¢.

2827. Report of the U. S. delegate to the Inter-American conference of experts on copyright. Conference series 99. 81 p. 25¢.

2836. The constitution of Japan, effective May 3, 1947. 13 p.

2850. Two aspects of trusteeship. United States trusteeship for the territory of the Pacific islands and the first session of the trusteeship council. 18 p. 10¢.

2882. European initiative essential to economic recovery. 5 p.

War Department

Civil affairs division. (German territory under U. S. occupation.) Constitutions of Bavaria, Hesse, and Wuertemberg-Baden. Washington, 1947. 74 p.

STATE AND TERRITORIAL

ALABAMA

Legislature. Reports of interim committees. Montgomery, 1947. 196 p. Tables. (1947 legislative document no. 4.)

CALIFORNIA

Legislature. Committee on administrative regulation. Summary of California statutory provisions conferring quasi-legislative functions upon state administrative agencies. Sacramento, 1946. 128 p.

University of California, Berkeley. Bureau of public administration. Public assistance allowances. B. S. Meyer. Berkeley, 1947. 38 p. (mim.) (1947 legislative problem no. 4.) \$1.00.

——— *The rôle of the states in recreation*, prepared by Louis A. Fiets . . . Berkeley, 1947. 50 p. (mim.) (1947 legislative problems, no. 2.)

——— *State income from horse-racing.* Isaiah J. Spain. Berkeley, 1947. 21 p. (1947 legislative problems, no. 8.) 75¢.

——— *Veterans' benefits*, prepared by Dorothy C. Tompkins . . . Berkeley, 1947. 50 p. (mim.) (1947 legislative problems, no. 2.)

GEORGIA

Commission to revise the constitution of Georgia. Records of the commission . . . 1943-1944. A. B. Saye, ed. Atlanta, State Library, 1946. 2v. \$5.00.

Executive department. Messages and addresses of Governor Ellis Arnall, 1943-1946. Atlanta, 1947. 166 p.

KANSAS

Bureau of government research. Governmental agencies of the state of Kansas, 1861-1946. B. E. Wilder. Lawrence, 1947. 128 p. (Govt. research series no. 4.)

MASSACHUSETTS

General court. Joint committee on municipal finance. Report . . . on a further investigation of the laws relating to municipal finances. Boston, 1947. 32 p. (H. doc. no. 410, 1947.)

Labor management committee. Report of the governor's labor management committee . . . Boston, Wright & Potter, 41 p. (House doc. no. 1875.)

Special commission relative to district court system. Report . . . Boston, Wright & Potter, 1947. 66 p. (Senate doc. 450, 1947.)

MISSOURI

Conservation commission. Report of organization, policies, and activities, January 1, 1945-June 30, 1946. Jefferson City, 1947. 133 p.

University of Missouri, Columbia. The pioneer lawyer and jurist in Missouri. Columbia, 1947. 144 p. \$1.50. (Univ. of Mo. studies, v. 21, no. 2.)

NEW JERSEY

Civil service commission. Revised class tables and comparative schedules for the state classified service. Trenton, 1946. 127 p. tables.

Commission on state administrative reorganization. (This Commission has issued several reports to the governor, during 1947, on various topics relating to state government.)

Commission on state tax policy. Second report . . . to the governor and the legislature. Trenton, 1947. 112 p. tables.

NEW YORK

Department of public works. Report on New York state thruways and arterial routes, the Buffalo urban area, Erie county, N. Y. Albany, 1947. v.p. (processed).

State comptroller. Special report on municipal affairs. Albany, 1946. 442 p. (Legis. doc. 1946, no. 70.)

OHIO

Department of taxation. A study of the tax and revenue system of the state of Ohio and its political subdivisions: report . . . to the governor and 97th General Assembly. Columbus, 1947. 93 p. (processed).

PENNSYLVANIA

Joint state government commission. (This commission has issued several reports to the legislature during 1947 on such topics as coöperatives, child welfare laws, game commissions, etc.)

SOUTH CAROLINA

Bureau of public administration. Centralized purchasing for states. Columbia, 1947. 8+vii p. (mimeo.) (1947 series on legislative problems, no. 4.)

University, Austin. Bureau of municipal research. Forms of city government. rev. Austin, 1946. 35 p. (Municipal studies no. 28.) 50¢.

——— A quarter-century of municipal research. Austin, 1947. 22 p. (Municipal studies no. 29.) 50¢.

VIRGINIA

Richmond. City planning commission. A master plan for the physical development of the city. Richmond, 1947. 280 p. tables. maps.

FOREIGN AND INTERNATIONAL

BULGARIA

President. The speech of the provisional President of the People's Republic of Bulgaria, Yassil Kalarov. Sofia, 1947. 39 p.

Prime Minister. The government declaration. Georgi Dimitrov. Sofia, Ministry of information and arts, 1947. 31 p.

CANADA

Department of external affairs. Treaty of peace with Hungary. . . . Ottawa, King's Printer, 1947. 49 p. (Treaty series 1947, no. 5). 25¢.

——— Treaty of peace with Roumania. . . . 47 p. 25¢.

——— Treaty of peace with Italy. . . . 157 p. 25¢. (These treaties have not been ratified by Canada.)

——— United Nations, 1946: report of the second part of the first session of the General Assembly of the U. N. Ottawa, King's Printer, 1947. 290 p. (Conference series 1946, no. 3.) 50¢.

Parliament. Special joint committee. . . . to continue and complete examination of the Indian act. Minutes of proceedings and evidence, nos. 2-17, Mar. 11-May 2, 1947. Ottawa, King's Printer, 1947. 29-842 p.

Winnipeg, Manitoba, City Clerk. Municipal manual, 1947: containing facts and figures about the city and various departments of its government. Winnipeg, 1947. 224 p.

CZECHOSLOVAKIA

Ministry of information. Statement of policy of the third government of the National front of the Czechs and Slovaks, made by the Premier, Klementi Gottwald, in the Constituent national assembly, Prague, July 8, 1946. Prague, 1946. 71 p.

DENMARK

Royal Danish ministry for foreign affairs and the Danish statistical department. New York, Danish information Service, 15 Moore Street, 1947. 280 p. (Subjects treated include the government of the country, its industry, agriculture, and finance.)

DOMINICAN REPUBLIC

Commission to appraise the report of the Brookings Institution concerning the colonization of refugees in Santo Domingo. Capacity of the Dominican Republic to absorb refugees: findings. Ciudad Trujillo, Editora Montalvo, 1946. 354 p.

GREAT BRITAIN

British information services. Reference division. Britain and European reconstruction. New York. Rockefeller Plaza, 1947. 34 p.

——— *The British colonial empire in 1946.* New York, Rockefeller Plaza, 1947. 18 p.

Colonial office. Malta: statement of policy on constitutional reform. Lond.: H. M. S. O., 1947. 11 p. (Cmd. 7014.) /2.

——— *Commission on the civil service of British West Africa.* Report, 1945-46. Lond.: H. M. S. O., 1947. 189 p. (Colonial no. 209.) 7/6.

Empire information service. Origins and purpose: a handbook of the British Commonwealth and Empire. Rev. ed., Lond.: H. M. S. O., 1946. 136 p. 2/.

Foreign office. Treaties of peace with Italy, Roumania, Bulgaria, Hungary, and Finland: texts for signature in Paris, Feb. 10, 1947. Lond.: H. M. S. O., 1947. 154 p. (Cmd. 7022) 2/6.

Treasury department. National income and expenditures of the United Kingdom, 1938-1946. Lond.: H. M. S. O., 1947. 60 p. (Cmd. 7099.) 1/.

Trial of German major war criminals: by international military tribunal sitting at Nuremberg: open speeches of the chief prosecutors for U. S. A., French Republic, United Kingdom . . . at the close of the case versus the individual defendants, Lond.: H. M. S. O., 1946. 200 p. 3/.

MALAY STATES

Consultative committee. Constitutional proposals for Malay: report, together with proceedings of six public meetings . . . Kuala Lumpur, Government Printer, 1947. 190 p.

Working committee. Constitutional proposals for Malaya: report, December 19, 1946. rev. Kuala Lumpur, Government Printer, 1947. 92 p. 2/4.

MEXICO

Universidad nacional autonoma de Mexico. Facultad de derecho y ciencias sociales. Javier Aguilar Torres: Ineficacia de la ley de responsabilidades de los funcionarios y empleados publicos. Mexico, D.F., 1947. 50 p. (thesis.)

——— Enrique Flores Sanchez: *Protección constitucional a los derechos políticos*, Mexico, D.F., 1947. 51 p. (thesis.)

——— Sabina Huitron Caballero: *La división de poderes*. Mexico, D.F., 1947. 73 p. (thesis.)

——— Guadalupe Vega Olvera: *El federalismo como forma de gobierno*. Mexico, D.F., 1946. 53 p. (thesis.)

PHILIPPINE ISLANDS

President. The problems of Philippine rehabilitation and trade relations. Manuel Roxas. Manila, Bureau of Printing, 1947. 208 p.

POLAND

Ministry for foreign affairs. Foreigners in Poland. Warsaw, 1947. 48 p.

Polish embassy, New York. The new Polish-German border: safeguard of peace. Washington, 1947. 64 p. map.

SPAIN

Spanish embassy, Washington. Religious persecution in Spain under the "Republic," 1931-1937. Washington, 1947. 29 p.

VENEZUELA

Junta revolucionaria de gobierno. La revolución Venezolana ante la opinión de América. Caracas, Imp. Nacional, 1946. 143 p.

YUGOSLAVIA

Embassy, Washington. The case of Archbishop Stepinac. Washington, 1947. 96 p. illus.

——— Our feat; people's youth of Yugoslavia. n.d., n.p. (For the most part photographs of activities in Yugoslavia, with a little text.)

ALLIED AND ASSOCIATED POWERS (1945-)

Treaty of peace with Bulgaria. v.p. 1947.

Treaty of peace with Finland. v.p. 1947.

Treaty of peace with Hungary. v.p. 1947.

Treaty of peace with Italy. v.p. 1947. (All the above in Russian, English, French, and the vernacular. All have maps except the one for Italy, for which a map volume will be provided.)

Treaty of peace with Roumania. v.p. 1947.

LEAGUE OF NATIONS

Treaty series: Treaties and international engagements registered with the secretariat of the League of Nations. General index, no. 9 (v. 194-205). 496 p. N. Y., Int. Document Service, 1947. \$3.75.

PAN AMERICAN UNION

The Inter-American system. Washington, 1947. 32 p. illus.

SOUTH SEAS COMMISSION

Proceedings of the South Seas commission conference, Canberra, 28th January-6th February, 1947. Canberra, Govt. Printer, 1947. 90 p. (mimeo.)

UNITED NATIONS

(These publications are now listed in the Bulletin of the Department of state. Few are listed here.)

Economic and social council. Resolutions adopted by the economic and social council during its fourth session from 28 February to 29 March, 1947. Lake Success, N. Y., 1947. 51 p. (Text in French and English.)

General assembly. Resolutions adopted . . . during its first special session from 28 April to 15 May, 1947. Lake Success, N. Y., 1947. 7 p. (Text in French and English.)

Trusteeship council. Rules of procedure for the trusteeship council . . . Lake Success, N. Y., 1947. 21 p.

——— Provisional questionnaire as approved . . . at the twenty-fifth meeting of its first session on 25 April, 1947. Lake Success, 1947. 17 p.

——— Resolutions adopted . . . during its first session . . . Lake Success, 1947. 9 p. (Text in French and English.)

Public information department. Research section. United Nations chronology, 1 January 1942–30 April 1947. Lake Success, N. Y., 1947. 43 p. (mim.)

——— Economic commission for Europe. Lake Success, N. Y., 1947. 11 p. (mim.)

——— Temporary social welfare committee. Lake Success, N. Y., 1947. 7 p. (mim.)

——— Questions and answers on the aims and principles of the United Nations. Lake Success, N. Y., 1947. 8 p. (mim.)

Food and agriculture organization. Report of the FAO preparatory commission on world food proposals . . . Washington, 1947. 84 p.

——— The state of food and agriculture: 1947. Geneva, 1947. 27 p. (processed).
United Nations relief and rehabilitation administration. Journal, sixth session of the Council and related documents of the sixth session, Washington, D. C., 10 to 14 December, 1946. Washington, 1947. 89 p.

NOTES ON SOME RECENT DOCUMENTARY MATERIALS

JAMES B. CHILDS

Library of Congress

Reestablishment of the Dutch civil government in Java, Sumatra, and the other East Indian islands was marked by the resumption of the official gazette at Batavia, *Javasche courant, officieel nieuwsblad*, with no. 1, dated April 11, 1946, the text throughout being in Dutch. Through November, 1946, this gazette contained in good part the ordinances and orders of the Chief Commanding Officer, Allied Military Administration, Civil Affairs Branch. Enactments and orders of the Lieutenant Governor General were resumed with September, 1946, accompanied from time to time by the orders of the Militair gezag, the Dutch military administration. Enactments applicable in the Indies are issued as small-octavo supplements to the *Javasche courant* under the title *Staatsblad*, and the present series begins with those for the year 1944.

On August 17, 1945, the republic of Indonesia had been proclaimed at Batavia, by coincidence falling within the Mohammedan month of fast Ramadan. Although

its capital was established at Jogjakarta in the southeastern part of Java, an official gazette has been published at Batavia (Djakarta) in the Indonesian (Malay) language printed in roman characters by the Departemen penerangan (department or ministry of information) under the title *Berita repoeblík Indonesia, penerbitan resmi pemerintah repoeblík Indonesia*, beginning with November, 1945, and continuing on a semi-monthly schedule. The first number was a broadside with the title *Pengoemoeman pemerintah repoeblík Indonesia*. Included in the *Berita* (state news) are not only the laws of the republic as enacted by the Komite nasional poesat (national central committee or provisional parliament frequently referred to as the K.N.P. or K. N. I. P.), but also the decrees and orders of the president of the republic and of the ministries. The constitution of the Indonesian republic as drafted on August 18, 1945, is printed in the *Berita*, no. 7, February 15, 1946, under the title "Oendang-oendang dasar," and has been issued in English in mimeographed form (4 pp.) by the Kementerian penerangan (Ministry of information). In appraising the enactments and other official acts of the government of the republic of Indonesia, it would be most helpful to have at least the text of the principal laws available in English translation. The text of a treaty of friendship concluded between the republic of Indonesia and the kingdom of Egypt in the early summer of 1947 was apparently drawn up in the Arabic, Indonesian, and French languages, the text in each being equally valid.

The agreement drafted at Linggadjati near Cheribon in Java between the representatives of the Netherlands and of the Indonesian republic on November 15, 1946, and signed formally at Batavia on March 25, 1947, which provided for the de facto recognition of the republic of Indonesia in Java, Madura, and Sumatra and for its union with governments to be formed in the Celebes and in Borneo as the United States of Indonesia by January 1, 1949, has been the subject of much documentation in the *Handelingen* of the Staten generaal of the Netherlands at The Hague. In a separate pamphlet of 82 pages with the title *Indonesië in het parlement, mei 1946 met een voorwoord van Max van Poll*, the report of the Dutch parliamentary committee on the Indies and the ensuing debate as well as the statement of the government had been issued at The Hague by the Regeerings voorlichtings dienst. At Batavia in July, 1946, a statement of the Dutch government plans for the Indies was made public by the N.E.I. Information Service, with parallel text in Dutch and Indonesian in a 40-page pamphlet entitled *Indonesië's toekomst, Indonesia di kemoedian hari. . .* Text of the agreement drafted at Linggadjati, together with statements from the Dutch commissioners, was distributed in December, 1946, by the R.V.D. under the title *Commissarissen generaal over de ontwerp-overeenkomst* (17 pp.), and also at the Rijksuitgeverij's Gravenhage in yellow book form (40 pp.) with the explanation by the Dutch commission and the statement of the Dutch government, entitled *Linggadjati: de ontwerp-overeenkomst, de toelichting der Commissie-generaal, de regeeringsverklaring*.

Just at the moment of the invasion of the Indies by the Japanese forces, the F.H. Vismán report on the development of the government had been printed at the Landsdrukkerij, Batavia, 1941-42, in two volumes entitled *Verslag van de Commissie tot bestudeering van staatsrechtelijke hervormingen*, and from a surviving copy was reprinted in offset for the Commissie voor Nederlandsch-Indië, Suriname en Curaçao at New York in 1944.

In the Indies themselves, the conferences at Malino, Pangkalpinang, and Denpasar during the second half of 1946 mark the effort of the Lieutenant Governor-General to sound out the feeling of representatives of people in the Indies outside the territory of the republic as to the future form of the state.

The summary report of the Conference at Malino in the South Celebes, July 15-25, was published by the Regeerings voorlichtings dienst at Batavia in September, 1946, as a brochure of 63 pages entitled *Malino maakt historie, een overzichtelijke bewerking van notulen en tekstuele redevoeringen ter Conferentie van Malino, 15-25 Juli, 1946, door W. A. van Goudoever*. A narrative (117 pp.) of the conference of representatives of Chinese, Arabs, and Europeans at Pangkalpinang on the island of Banka, October 1-12, entitled *Pangkalpinang, werkelijkheidszin der minderheden, samengesteld door D. J. van Wijnen*, was published by the R.V.D. apparently in November.

An account of the conference held at Denpasar on the island of Bali in December, 1946, resulting in the formation of the state of East Indonesia comprehending what had been known as the Groote Oost (Celebes, Moluccas, Timor, Flores, Sumba, Sumbawa, Bali, Lombok) was published at Batavia in February, 1947, in a volume of 106 pages by the N. E. I. Government information service (Regeerings voorlichtings dienst) under the title *Denpasar bouwt een huis, een overzichtelijke bewerking van notulen en tekstuele redevoeringen ter conferentie van Denpasar 7-24 december 1946, door W. A. van Goudoever*. The "Regeling tot vorming van den staat Oost Indonesie" was promulgated in the *Javasche courant*, 1947, no. 2, and in the *Staatsblad*, 1946, no. 143, December 24, 1946.

For the new state of East Indonesia, the first bilingual official publications in Dutch and Indonesian (Malay) published at Makassar, the capital in the Celebes, on February 5, 1947, are an official gazette in folio entitled *Staatscourant voor Oost-Indonesië, Berita resmi oentoek negara Indonesia Timoer*, and a law gazette in octavo entitled *Staatsblad voor Oost-Indonesië, Staatsblad oentoek Indonesia-Timoer*. Tjokorde Gde Rake Soekawati, the president of East Indonesia and his cabinet were installed at Batavia, Java, on January 13, 1947, and proceeded to Makassar on the following day. In the first number of the *Staatsblad* is the ordinance providing for the publication of the official gazette and the law gazette. In the first number of the *Staatscourant* are the orders appointing the cabinet and designating the ministerial departments (Dutch: departement; Indonesian: kementerian) as follows:

<i>Dutch</i>	<i>Indonesian</i>
Economische zaken.....	Perekonomian
Binnenlandsche zaken.....	Oeroesan dalam negeri
Financiën.....	Keoewangan
Onderwijs.....	Pergoeroean
Gezondheid.....	Kesehatan
Sociale zaken.....	Oeroesan sosial
Justitie.....	Djoestisi
Verkeer en waterstaat.....	Laloe lintas dan pengairan
Voorlichting.....	Penerangan

In French Indochina, a sign of the changes occurring in the government was marked by the appearance at Saigon in Cochinchina on November 15, 1945, in the new series, 57th year, of the *Journal officiel de la Fédération indochinoise*, including the enactments, decrees, and declarations of the French Fourth Republic applicable to the Federation as well as the enactments, decrees, and orders of the Federation itself, and public announcements, especially those of stock companies. Under the date of August 17, 1945, a French decree had created the office of Haut Commissaire de France pour l'Indochine, actually established at Saigon in the south on November 2, 1945, in place of the office of Gouverneur général de l'Indochine at Hanoi in the

north. From September, 1940, through August 18, 1945, Indochina had been under Japanese occupation. Until apparently March 9, 1945, when the French administration was succeeded by a provisional native administration, the corresponding organ for the publication of enactments had been the *Journal officiel de l'Indochine française* at Hanoi.

In July, 1946, the Direction fédérale de l'information at Saigon published a brief survey of 23 pages entitled *La situation en Indochine (mars 1945-juin 1946)* outlining steps taken in development of the Indochinese Federation, with mention of the Franco-Viet Nam convention of March 6, 1946, the Franco-Viet Nam conference at Dalat, April 18-May 11, 1946, and recognition of the Cochinchina republic at Saigon as of May 30, 1946. With reference to the Fontainebleau conference with the Viet Nam representatives, the Ministère de la France d'outre-mer devoted the entire 46 pages of no. 81, dated August 2, 1946, of its *Bulletin d'information* to documents on relationships with the Viet Nam under the caption "Le Viet Nam et l'Union française," and presented the text of the "Modus-vivendi Franco-Vietnamien" concluded on September 14, 1946, in no. 85 of the *Bulletin d'information* dated October 7, 1946.

Bases for the constitution of the Indochinese Federation were discussed at the preparatory conference held at Dalat on August 1-13, 1946, with delegations from Cambodia, Cochinchina, Laos, the mountain peoples of south Indochina, and the Cham people of south Annam. In the 76-page report on the conference issued by the Direction fédérale de l'information at Saigon in 1946 under the title *Conférence préparatoire de Dalat sur le statut de la Fédération indochinoise dans l'Union française, 1er-13 août 1946* is reproduced the proceedings of the conference committees as well as the conference resolutions relative to political and constitutional questions, economic and financial questions, cultural questions, and military questions. Professor Roger Pinto's work entitled *Aspects de l'évolution gouvernementale de l'Indochine française* (Saigon, 1946, 201 pp.), apparently published on the eve of the Dalat conference, contains on pp. 185-9 a "Projet de Statut constitutionnel de la Fédération indochinoise."

To give the first parliament and the first government of the Fourth Republic in France a survey of the basic fiscal data, 1913-1946, needed in considering the urgently required economic and financial rehabilitation of the country, the Ministère des finances prepared under date of December 1, 1946, and printed at the Imprimerie nationale, Paris, the large quarto of 671 pages entitled *Inventaire de la situation financière établi sur les instructions de M. Robert Schuman, ministre des finances*. In the introduction, brief reference is made to the recently established Comité d'enquête sur le coût et le rendement des services publics and the Commission supérieure d'études fiscales, whose activities may bear fruit only during the course of the year 1947. In order to determine priorities, the Commissariat du plan has been set up for four years to come. There have been three earlier but less ambitious "inventaires," of which the first was presented in 1925 as an *Annexe au 1er volume, Projet de loi présenté à la Chambre des députés portant fixation du Budget général de l'exercice 1926* with the title *Inventaire de la situation financière de la France au début de la troisième législature, présenté par M. Clementel, ministre des finances* (Paris, Imprimerie nationale, 1924, 273 p.) There were reports of financial experts in 1929 and 1932, that of the latter year being part of a proposed budget law printed as *Impression 1261* of the Chambre des députés, accompanying the proceedings for, January 17, 1933, and being reprinted in the ministry's *Bulletin de statistiques et de législation comparée*, January, 1933, p. 46ff, under the title "Exposé de la situation économique et financière présentée par les experts au gouvernement."

The Commissariat general du plan de modernisation et d'équipement, headed by Jean Monnet, was created by decree of January 3, 1946, and functions through 18 commissions de modernisation under the supervision of the Conseil du plan presided over by the President of the republic. One of the general objectives as determined in consideration of work on the early stages of the plan recorded in the 46-page document entitled *Documents relatifs à la première session du Conseil du plan (16-19 mars 1946)* Paris, Imprimerie nationale, 1946, is "de porter le volume global de la production française en 1950 à un niveau supérieur à celui de l'année 1929, année de production maximum qu'ait connue la France." The full report on the plan submitted by the Commissariat on November 23, 1946, and considered by the Conseil du plan early in January, 1947, constituting a substantial volume of 193 pages under the title *Rapport général sur le premier plan de modernisation et d'équipement*, contains mention in the letter of transmittal that of all the conditions necessary for the carrying out of the plan there is none more fundamental than the stability of prices and money and that this stability is inextricably linked to the balance of the budget of the current expenses of the government. At the end of the *Rapport général* is a folding chart showing the administrative organization for the plan, and on pp. 189-198, the membership of the 18 commissions de modernisation, giving evidence of the broad participation of industry and labor.

The *Inventaire des ressources de l'économie française*, prepared in the summer of 1945 and issued in 1946 by the Direction de la documentation et des études économiques of the Ministère de l'économie nationale et des finances as a quarto volume of 296 pages, is also of interest in this connection.

For the first French Constituent assembly, November 6, 1945-April 26, 1946, the debates which were first printed from day to day as supplements to the *Journal officiel de la République française* have been issued in permanent form in six volumes with the familiar blue paper covers at the Imprimerie des Journaux officiels, Paris, 1946, under the title *Annales de l'Assemblée nationale constituante, élue le 21 octobre 1945: débats*. Author and subject-index to the debates is at the end of vol. 5. Debates of the meetings of Commission des finances et du contrôle budgétaire held from March 6 through April 11, 1946, relative to the troublesome revision of the budget, constitute vol. 6 with a separate index. The *Comptes-rendus analytiques* of the all-important Commission de la Constitution have been printed separately in small octavo size (797 pp.), and need to be considered for practical purposes as a part of the set.

The debates of the second Constituent assembly, which sat from June 12 to October 5, 1946, are being similarly issued (1947) in permanent form in three volumes, volume one covering the sessions from June 12 to August 22, the name and subject-index being at the end of vol. 3. The *Comptes-rendus analytiques* of the Commission de la Constitution, which have also been printed separately in small octavo size (808 pp.), should be considered as part of the set.

In three volumes in the familiar blue paper covers, the permanent edition of the *Débats de l'Assemblée consultative provisoire* has been issued (1945) covering the sessions from November 7, 1944, through August 3, 1945. The first volume begins on page 253 with the fifth session for 1944, a volume dealing with the previous activity of the Assembly at Algiers being in the course of printing (1947).

In the Soviet zone of Germany, each of the five states has an official gazette for the promulgation of the state laws, ordinances, and regulations, as well as for the promulgation of the Control council enactments and the orders and directives of the Soviet military government.

For the Land Mecklenburg-Vorpommern, no. 1 of the *Amisblatt der Landesverwaltung*, dated June 25, 1946, and published at Schwerin, contains the text of all ordinances and regulations in force beginning with August, 1945. No. 4 of the *Amisblatt*, dated August 12, is accompanied by a separate part of 60 pages containing 28 enactments of the Control council and 36 orders of the Soviet military government. In no. 7, September 19, 1946, is printed the Soviet zone "Wahlordnung für Landtags- und Kreistagswahlen" for the elections held in October, 1946. This order, also reproduced in the official gazette of each of the other states, provides for a Landtag or parliament in each state with a membership as follows: Land Mecklenburg-Vorpommern 90; Provinz Mark Brandenburg 100; Land Thüringen 100; Provinz Sachsen 110; Land Sachsen 120.

For the Provinz Mark Brandenburg, the *Verordnungsblatt der Provinzialverwaltung*, cited officially as VOBIB, began publication at Potsdam with no. 1, dated October, 1945. The first law enacted by the Landtag, entitled "Demokratische Kreisordnung für die Mark Brandenburg," was promulgated in year 2, no. 20, December 20, 1946, with which the publication takes the title *Gesetz- u. Verordnungsblatt der Provinzialregierung*. After the Land Preussen (state of Prussia) had been formally abolished by Control Council law 46, February 27, 1947, the designation "Provinz" was by order of the Soviet Military government replaced by designation "Land."

For the Land Thüringen (Thuringia), called in the beginning Provinz, the *Regierungsblatt für das Land* began publication at Weimar with no. 1, July, 1945. A law of December 4, 1946, enacted by the Landtag, transformed the existing Landesverwaltung created in September, 1945, into a Landesregierung consisting of a Ministerpräsident and six ministries as follows: Ministerium für allgemeine Verwaltung, Ministerium für Wirtschaftsplanung, Ministerium für Versorgung, Ministerium für Finanzen, Ministerium für Volksbildung, Ministerium für Justiz.

For the Provinz Sachsen (Saxony), created in July, 1945, through the merging of the provinces of Halle-Merseburg and Magdeburg with the Land Anhalt, the *Verordnungsblatt für die Provinz*, cited officially as VOBIPS, began publication at Halle (Saale) with no. 1, October 6, 1945, and frequently contains at the beginning of the numbers short articles explanatory of some aspect of the government. At the beginning of 1947 the Provinz Sachsen became the Provinz Sachsen-Anhalt, and after the enactment of Control Council law 46, February 27, 1947, became the Land Sachsen-Anhalt (Saxony-Anhalt).

For the Land Sachsen (Saxony), the official gazette printed at Dresden under the title *Gesetze, Befehle, Verordnungen, Bekanntmachungen veröffentlicht durch die Landesverwaltung* began publication with no. 1, July, 1945, as the *Ämliche Nachrichten der Landesverwaltung*, and continued thus through the second year, no. 5/6, February 8, 1946.

When the Nationalrat, the popularly elected second chamber of the Austrian republic, opened its sessions on December 19, 1945, after the liberation, the daily numbers of the debates printed at the Österreichische Staatsdruckerei under the title *Stenographisches Protokoll* carried the designation "V. Gesetzgebungsperiode" (5th legislative period), ignoring the corporate parliament under the 1934 constitution, and continuing from the 4th period, 1930-34, under the 1920 constitution. At the first session was read the proclamation of April 27, 1945, reestablishing the republic in the spirit of the constitution of 1920, and at the second session on December 21, Bundeskanzler Figl presented his program. Legislative bills, reports of committees on bills, etc., are printed in a separately numbered series entitled *Beilage zu den stenographischen Protokollen des Nationalrates (V.G.P.)*. Debates of the

Bundesrat, the upper chamber representing the provinces, are issued in a separate series also entitled *Stenographisches Protokoll*, beginning with December 19. On December 20, 1945, the two chambers met in joint session as Bundesversammlung in accordance with the constitutional provision for the election of the president of the republic. A 2-page *Stenographisches Protokoll* for the Bundesversammlung, December 20, records the election of Dr. Karl Renner as Bundespräsident by a vote of 204 out of 205, one not being valid. On May 8, 1946, there was also a joint jubilee session styled "Festsitzung des Nationalrates und des Bundesrates der Republik Österreich aus Anlass des endgültigen Sieges der alliierten Mächte über den Nationalsozialismus und der Befreiung Österreichs," at which Bundeskanzler Figl spoke, and for which a separate 4-page *Stenographisches Protokoll* was printed.

For the Austrian parliament, there is a very useful pocket directory compiled and edited by Joseph Pav and published by the Bilder-Zeitung G. m. b. H., Wien V., under the title *Handbuch des österreichischen National- und Bundesrates 1945 nach dem Stande vom Juni 1946* (254 p.) For each member of both houses arranged together in one alphabet is given a portrait and a brief biography with indication of the constituency and the party affiliation. Of the more than 200 members, nearly 130 reported political imprisonment, 70 were born in 1900 or later, and 9 are women. The handbook also contains a record of committee memberships, election returns, etc. A small official directory as of March 7, 1946 (79 p.), was issued under the title *Nationalrat und Bundesrat: Büro, Mitglieder, Ausschüsse, Klubs*. The Nationalrat also issued its rules in a 55-page pamphlet under the title *Geschäftsordnung des Nationalrates, nach dem Stande vom 5. März 1933*. The full official returns of the Nationalrat election of November 25, 1945, are published by the Statistisches Zentralamt as *Beiträge zur österr. Statistik*, 2 (82 p.)

For the Cortes, the Spanish parliament established by a law of July 17, 1942, the proceedings including the debates, legislative bills, reports of committees, budgets, etc., are printed from time to time in separate numbers under the title *Boletín oficial de las Cortes españolas*, beginning with no. 1, March 16, 1943, being the "sesión de juramento." No. 2 reported the proceedings of the inaugural session, March 17, 1943. The publication seems to be issued only for official distribution. Members of the Cortes are designated as procuradores, and include cabinet ministers, national counselors of the Falang, presidents of the Consejo de estado, the Supreme court, the High military court, representatives of syndicates, alcaldes of provincial capitals, rectors of universities, and representatives of professional colleges, with not more than fifty additional to be designated by the chief of state. The law of March 9, 1946, adds to the membership a representative for each province. The Cortes itself functions mainly through committees, meeting only infrequently in plenary sessions to ratify the action of committees. For the year 1946, numbers 132 through 186 of the *Boletín oficial de las Cortes españolas* were issued, being dated from January 10 through December 30, and paged continuously from 2783 through 3843, including six plenary sessions, as follows: April 24, May 13, 14, July 15, December 12, 30. No. 175, November 28 (p. 3325-3393), is devoted to the national budget for 1947, the expenses being estimated at 14 billion pesetas and the income at 13 billion.

For the Spanish ministry of justice, a concise official account of its development, present organization, and functions has been published under the title *El Ministerio de justicia, notas históricas, organización y competencia* (Madrid, 1946, 531 pp.) The ministry traces its origin to one of the five secretarías de despacho created by Philip V in 1714. In 1808, the constitution substituted the designation ministerio for secre-

taría de despacho. On pp. 31-39 is given a table of ministers from 1754 through 1945. The material is grouped around the present principal subdivisions of the ministry as follows: Subsecretaría with subordinate and attached agencies, Dirección general de justicia, Dirección general de asuntos eclesiásticos, Dirección general de los registros y del notariado, and Dirección general de prisiones. In the prologue, Raimundo Fernández-Cuesta, minister of justice, expresses the hope that this work will soon be followed by similar works dealing with each of the other Spanish ministries, especially for those having a long history.

For Norway, the parliamentary proceedings for 1940 are now available in official sets, 9 sections bound in 11 volumes, under the title *Stortingsforhandlingar*. The first part in two volumes is devoted to the budget and budget reports. In part 7, *Stortingstidende* (debates), it may be noted that the record of the last full meeting is that of April 8, 1940, with the report by Foreign Minister Koht, but that there seems to be no record of the final meetings at Hamar and Elverum on April 9 just before the government went into exile.

On October 21, 1946, at a joint session of the two houses of the Argentine Congress, President Juan Perón presented an elaborate five-year plan under the title *Plan de gobierno, 1947-1951*. The first volume (459 pp.) contains the message and the detailed plans with legislative bills to implement them. The second volume is an atlas of 80 charts showing the proposed organization and the relationship of the services wherever necessary to the various areas of the country. A compact working edition of both the plan and the charts was issued by the Cámara de senadores in a volume of cccxxii pp. under the title *Plan del poder ejecutivo sobre realizaciones e inversiones para el quinquenio 1947-1951*. The Secretaría técnica of the Presidencia de la nación, created June 4, 1946, when General Perón on assuming office reorganized the Secretaría de la Presidencia de la nación into three secretariats, military, technical and political, has charge of the study, direction, coördination, and carrying out of the plan.

The daily issues of the *Diario de sesiones*, or debates, of the Cámara de senadores of the Argentine republic in the extraordinary sessions of 1946-47 include in the course of the regular series the proceedings of the body as a court of impeachment (tribunal de juicio político) in the case of the justices of the Corte suprema de justicia and of the Procurador general de la nación. On October 11, 1946, the first session as a court and the 57th of the period is included as an appendix the debate in the ordinary session on October 10 concerning the procedure to be followed. The report of the Comisión de juicio político of the Cámara de diputados forming the basis for the proceedings was printed in separate form as *Orden del día* no. 47 (pp. 245-474), sesiones ordinarias, 1946, printed September 3. Sixteen sessions were held as a court of impeachment, the decision to remove from office all except one who had resigned previously being unanimously voted on April 30th, the 16th day and the 134th of the whole period.

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

ARTHUR W. MACMAHON
Columbia University

First Vice-President

QUINCY WRIGHT
University of Chicago

Second Vice-President

V. O. KEY, JR.
Johns Hopkins University

Third Vice-President

CHARLES FAIRMAN
Stanford University

Secretary-Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers *ex-officio*

EDWARD F. DOW
University of Maine
ROBERT J. HARRIS
Louisiana State University
JOHN G. HEINBERG
University of Missouri
WALTER H. C. LAVES
U. S. Bureau of the Budget
CHESTER C. MAXEY
Whitman College
RALPH J. BUNCHE
Howard University
ROBERT H. CONNERY
Stanford University

CHARLES MCKINLEY
Reed College
C. PERRY PATTERSON
University of Texas
HAROLD S. QUIGLEY
University of Minnesota
TAYLOR COLE
Duke University
GEORGE A. GRAHAM
Princeton University
LLEWELLYN PFANKUCHEN
University of Wisconsin
JOHN A. VIEG
Pomona College

BELLE ZELLER
Brooklyn College

FORMER PRESIDENTS

FRANK J. GOODNOW
ALBERT SHAW
FREDERIC N. JUDSON
JAMES BRYCE
A. LAWRENCE LOWELL
WOODROW WILSON
SIMEON E. BALDWIN
ALBERT BUSHNELL HART
W. W. WILLOUGHBY
JOHN BASSETT MOORE
ERNEST FREUND
JESSE MACY
MUNRO SMITH
HENRY JONES FORD

PAUL S. REINSCH
LEO S. ROWE
WILLIAM A. DUNNING
HARRY A. GARFIELD
JAMES W. GARNER
CHARLES E. MERRIAM
CHARLES A. BEARD
WILLIAM B. MUNRO
JESSE S. REMYES
JOHN A. FAIRLIE
BENJAMIN F. SHAMBAUGH
EDWARD S. CORWIN
WILLIAM F. WILLOUGHBY
ISIDOR LOEB

WALTER J. SHEPARD
FRANCIS W. COKER
ARTHUR N. HOLCOMBE
THOMAS REED POWELL
CLARENCE A. DYKSTRA
CHARLES GROVE HAINES
ROBERT C. BROOKS
FREDERIC A. OGG
WILLIAM ANDERSON
ROBERT E. CUSHMAN
LEONARD D. WHITE
JOHN M. GAUS
WALTER F. DODD

The American Political Science Review

VOL. XLI

DECEMBER, 1947

NO. 6

FOUNDATIONS OF AMERICAN CONSERVATISM

W. HARDY WICKWAR

Hamilton College

To the student of comparative political theory, few things are more fascinating than the contrast not only between different ages but also between different countries in one and the same age. The greatest advances in the collective thinking of Western humanity have been made coöperatively by men of every nation; and in every age all unite to give to that age its own distinctive character; yet each people contributes something of its own national genius to the spirit of the age. He, then, who would understand a country and the pattern of its people's thinking does well to inquire in what way it has deviated from the thinking of other nations in particular epochs.

Whoever looks at early nineteenth-century America must be struck by its aloofness from many of the main currents of Western thinking. In the great Revolution of the eighteenth century, it had not been thus. The Lockean and Blackstonean tradition of the right of Englishmen to protect their property through representative organs; Rousseau's concept of equal natural rights of every individual and the right of the sovereign people in convention to reconstitute society according to its general will; Montesquieu's advocacy of checks and balances as safeguards of liberty; Quesnay's physiocratic cult of land as the natural source of wealth and power; Adam Smith's analysis of the relationship between national policy and private commerce; deism in religion; and associationism in psychology—these were among the many trends in the Age of Reason that came to a focus in the revolt of the thirteen colonies and the establishment of the United States. And, coming to a focus here, they helped precipitate further developments of political thinking in the Old World, including Condorcet's cult of equality

and the British philosophical radicals' program of annual elections and universal suffrage. In that formative age, the United States not only shared but also helped to lead in the search for new ways in which authority might be based on rational consent.

In the nineteenth century, all was different. The United States turned inward from the Atlantic to the Mississippi prairies; and its theorizing became insular, isolationist, nativist. From the main currents of the age, it could not be wholly exempt; but here they flowed through side channels and back bays, taking on a character of their own, and never exposing the American people to the full force of the tides that were remaking Europe's thinking. Here was an essential phase in the making of America, the nation. America was different. It was almost as though its political thinking had become set in eighteenth-century molds—as though the new nation acquired at its conception a political mentality that it would never, or only slowly, outgrow. American political theorists and thinkers of the two generations 1783–1861 tended thus to be characteristic of America rather than of their age.¹

In the early nineteenth century, two currents were flowing strong among other English-speaking peoples: the currents that go under the names of Bentham and Burke. Yet by both currents America went uninfluenced and unaffected.

Bentham's utilitarianism did more than any other single factor to remodel British governmental and juridical structure, so that it became possible to write the history of nineteenth-century Britain in terms of Benthamism.² And in the French-speaking countries of the European continent, the influence of utilitarianism was hardly less pervasive than in Britain.³ Yet in the United States it made no headway whatever.⁴ American democrats and liberals pre-

¹ This has previously been suggested in W. S. Carpenter, *Development of American Political Thought* (1930), without, however, stressing the ambivalence or dialectic inherent in American political thinking, which provided the theme of V. L. Parrington's illuminating and suggestive *Main Currents in American Thought* (1927, etc.).

² As has been done in A. V. Dicey, *Law and Public Opinion* (lectures 1898; pub. 1905); G. Wallas, *Francis Place* (1898); and E. Halévy, *Formation du Radicalisme Philosophique* (1901, etc.) and *Histoire du Peuple Anglais* (1912, etc.).

³ See the writings of Étienne Dumont, and, on the origins of utilitarianism, W. H. Wickwar, *Baron d'Holbach* (1935).

⁴ In spite of some early references to the "greatest happiness of the greatest number" by John Adams and Fisher Ames:

"There is in nature, and there must be in the administration of government, a fixed rule and standard of political conduct, and that is, the greatest permanent happiness

ferred natural rights and terminable contracts to the greatest happiness of the greatest number; or perhaps they did not know the difference.⁵ Nor was this failure of Benthamism to make a home in America a merely theoretic loss; the present-day need for reforming the administration of justice points to a nineteenth-century omission that would have been unthinkable in any land dominated by utilitarian legal thinking.⁶

Burke's conservative evolutionism was no less important; and it had many Continental counterparts, such as the work of Chateaubriand in France, Maistre in Savoy, and Haller in Switzerland. Everywhere they denied the right of an adventitious majority in a passing generation to overthrow the social constitution inherited from their ancestors. In hallowed sentiments and customary loyalties, they found the only solid alternative to coercion, as a foundation for authority and a guarantee of inherited liberties. In experience and custom, rather than in reason, they found a basis for the interdependence of men in society.

America also had conservatives and therefore had a similar need of conservative theorists. Yet Burke, Chateaubriand, Maistre, and Haller had no American counterparts. Nowhere in the United States in that age does there seem to have been any thoroughgoing exponent of organic social growth—anyone who consistently applied an evolutionary line of thinking to problems of political obligation and social reform, as was normal in Europe for two generations before Darwin.⁷

of the greatest number of the people." F. Ames, "Camillus" (1787), in *Works*, II 108 (Boston, 1854).

"Upon this point all speculative politicians will agree, that the happiness of society is the end of government, as all divines and moral philosophers will agree that the happiness of the individual is the end of man. From this principle it will follow that the form of government which communicates ease, comfort, security, or, in one word, happiness, to the greatest number of persons, and in the greatest degree, is the best." J. Adams, "Thoughts on Government" (1776), in *Works*, IV, 193 (Boston, 1851).

⁵ As was well demonstrated in P. A. Palmer, "Benthamism in England and America," in this *Review*, Vol. 35, pp. 855 ff. (Oct., 1941).

⁶ It may be also that the wide latitude left for administrative discretion in the United States, especially in benefactory administration, comes from non-attendance at the rigorous school of Benthamism, with its effort to maximize certainty and minimize discretion.

⁷ It was probably Benedetto Croce who first demonstrated, in his *Storia d'Europa*, how social evolutionism antedated biological evolutionism. John Adams oscillated between a philosophy of history based on the idea of progress, as in "A Defence of

Burke and his like had no more success in America than Bentham. One reason is not far to seek. It is that the social institutions to whose continuity European conservatives attached most importance had here been discontinued: hereditary monarchy, landed aristocracy, and an established church had either gone or were going. "Throne and altar," in America, would have been a meaningless slogan. Another reason is that the respect elsewhere reserved for the unwritten law—whether the common law of England or the folk-custom of Germanic peoples—came here, and here alone, to be attached to what European conservatives would have derided as a paper constitution. Even John Adams took pride in the purely human and practical nature of America's instruments of government, whereas Burke had found something almost divine in England's unwritten constitution.⁸ American conservatives had then to look in some other direction when they wished to find security against such revolutionary doctrines as human equality, the goodness or perfectibility of man, the pursuit of happiness, majority rule, and the revocability of constitutions.

II

Even in New England, the depravity of man and the rightful authority of God's elect lost their hold on men's minds before ever Timothy Dwight and Fisher Ames had departed this life. Satire, denunciation, and rear-guard actions were not enough. Congregationalist theocracy opened the way to its own destruction when it took the lead in breaking the historic British connection. For the new age, a new doctrine needed constructing; doctrine, too, of nation-wide and not merely Yankee appeal; and doctrine therefore that would be secular rather than religious in its bases. The direction in which this was sought was revealing.

One such direction was the distribution of the powers of government among several agencies able to check and balance one another. In the form in which John Adams stated this doctrine, it meant the distribution of the legislative power among three organs—the executive and two houses—as like as might be to the English tradition of king, lords, and commons, or to Cicero's ideal of a mixed government in which the one, the few, and the many would balance

the *Constitutions of Government*" (1789) in *Works*, IV, 283, and a cyclical view of history, as *ibid.*, VI, 186.

⁸ J. Adams, *Works*, IV, 292.

one another.⁹ It was against pleas by the great French doctrinaires, Turgot and Condorcet, for the concentration of legislative power in a single organ that John Adams directed his arguments in favor of continuing to disperse it—"A Defense" against Turgot; "Discourses" against Condorcet. When Thomas Paine, democratic disciple of the French doctrinaires, went one step farther and argued for the right of the people themselves to frame constitutions which should be superior to ordinary governmental organs, John Quincy Adams took refuge in the same British tradition of trusting a representative government with full and unlimited power, even to amend the constitution, so long as the legislature should have two houses and the executive not be wholly dependent upon it.¹⁰

The reliance of conservatives upon a "mixed constitution" with "balanced organs" did not spring merely from the mechanistic mode of thinking prevalent in the late eighteenth century. Its importance came from the fact that the two houses of the legislature were thought of as serving different class interests. John Adams, for example, said:

"The rich, therefore, ought to have an effective barrier in the constitution against being robbed, plundered, and murdered, as well as the poor; and this can never be without an independent senate. The poor should have a bulwark against the same dangers and oppressions; and this can never be without a house of representatives of the people. But neither the rich nor the poor can be defended by their respective guardians in the constitution without an executive power, vested with a negative, equal to either, to hold the balance even between them, and decide when they cannot agree."¹¹

Or again:

"The controversy between the rich and the poor, the laborious and the

⁹ J. Adams, "A Defence of the Constitutions of Government of the United States of America," Vol. I (1787), in *Works*, IV, 294 ff. (citing Cicero), and "Discourses on Davila" (1790), *ibid.*, VI, 277 ff. (citing American patriots' attachment to English principles).

¹⁰ J. Q. Adams, "Letters of Publicola" (1791), in *Writings*, ed. W. C. Ford, I (1913). Parrington, *op. cit.*, seems to be mistaken in thinking that Adams here advocated "judicial trusteeship." The evidence seems to me overwhelming that Adams was preaching parliamentary sovereignty, not judicial supremacy—the more so since he did not believe that written constitutions should be superior to statute law.

¹¹ J. Adams, "A Defense of the Constitutions," Vol. III (1788), in *Works*, VI, 65. James Kent, in his praise of the elder Adams's "great work," missed the point that Adams was not advocating bicameralism as such so much as bicameralism as a device for representing property as well as persons. *Commentaries*, Lect. XI.

idle, the learned and the ignorant, distinctions as old as the earth as extensive as the globe . . . will continue, and rivalries will stir them. These parties will be represented in the legislature, and balanced, or one will oppress the other. There will never be found any other mode of establishing such an equilibrium, than instituting the representation of each an independent branch of legislature, and an independent executive authority, such as the government, to be a third branch and a mediator or an arbitrator between them. Property must be secured, or liberty cannot exist."¹²

Alexander Hamilton said much the same in his famous speech at the federal convention, for which his own brief ran:

"Society naturally divides itself into two political divisions—the *many*, who have distinct interests.

If government in the hands of the *few*, they will tyrannize over the *many*.

If in the hands of the many, they will tyrannize over the few. It ought to be in the hands of both; and they should be separated. This separation must be permanent. . . .

And if separated they will need a mutual check.

This check is a monarch."¹³

This conception of a senate as a house of lords, based on interest, and a bulwark for the wealthy few against the many, survived, as we shall see, into the early political career of Daniel Webster.

A different twist—and one more appropriate to national state affairs—was given to the doctrine of checks and balances by Madison and Hamilton in the *Federalist*, No. LI, when they showed that the interplay of classes and interests was more important than that of rival organs of government: "It is of great importance to a republic," they wrote, "not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part." The means by which they sought to prevent the majority from endangering the interests of the minority was therefore "comprehending in the society separate descriptions of citizens as will render an unjust action of the majority of the whole very improbable if not impracticable." This enlargement of the orbit of government

¹² J. Adams, "Discourses on Davila," *Works*, VI, 280.

¹³ A. Hamilton, brief for speech at Philadelphia, on submitting his plan for a national constitution, June 18, 1787, in *Works* (ed. H. C. Lodge), I, 304. Similarly, notes on the speech by Madison and by Yates.

multiply and diversify the interest-systems revolving in it, was regarded by Hamilton as the latest contribution to the science of politics.¹⁴ Bigness was to be a guarantee of liberty.

The conception of freedom depending on the interaction of diverse interests was to lead, as we shall see, from the conservatism of the *Federalist* to that of Calhoun, with the one important difference that the latter sought to give formal constitutional shape to what in his predecessors had been informal and unorganized.

Of the first generation of American post-revolutionary conservatives, it may thus be said that the balance that they sought was a balance of interests; and, with the possible exception of John Quincy Adams, they made it plain that they did not envisage this as merely a balance between different organs of government, but as a balance between economic forces.

III

Another protection for property was an independent judiciary. This implied that "the judges ought to be confident of the security of their salaries and station."¹⁵ A judge's tenure, like a parson's freehold in England, had to be envisaged as a kind of property right. In John Adams's striking phrase, judges "should hold estates for life in their offices."¹⁶ Popular election to a short-term lease of office was only beginning to undermine the independence of state judges, and was destined never to destroy that of the federal judiciary.

Reliance on an independent judiciary implied also judicial power to check "the force of party or the temptations of interest" in the legislature. In the first case cited by Kent of a court annulling a statute, "the court proceeded upon those great fundamental principles which support all government and property" in setting aside a statute "as being against common right and the principles of *Magna Carta*, for it took away the freehold of one man and vested it in another, without any compensation, or any previous attempt to determine the right."¹⁷

For the most part, however, the courts came to base the annulling of statutes on an appeal to a written constitution. In words remi-

¹⁴ *Federalist*, No. IX.

¹⁵ J. Kent, *Commentaries*, Lect. XIV (1827).

¹⁶ J. Adams, "Thoughts on Government" (1776), in *Works*, IV, 207.

¹⁷ *Bowman v. Middleton* (South Carolina, 1792), in Kent, *op. cit.*, Lect. XX, citing *I Bay* 252.

niscent of Rousseau, they appealed from the legislature as agent to the people as principal. Kent, for example, once wrote: "The constitution is the act of the people, speaking in their original character, and defining the permanent conditions of the social alliance."¹⁸ The general adoption of the Rousseauite distinction between constitution-making and statute-making, and its obvious convenience to the judiciary, led to the abandonment of the Adamsses' criticism of constitutional conventions and popular referenda as a menace to the established tradition of representative government. No one seemed aware of the paradox involved in thus adapting what had originally been ultrademocratic doctrine to serve conservative ends.

In spite, however, of these lapses into Rousseauite phraseology, common-lawyers tended as a general rule to think of a written constitution as a guarantor of historic rights, rather than as a creator of revolutionary ones—an instrument for defining the powers and organs of an already existing and evolving government, rather than a contract for establishing either society in general or government in particular. One might, in fact, almost say that in Kent's thinking, as in John Locke's, it was property, rather than the constitution, that was really fundamental to society. Towards this social institution, the judge's attitude was one of devotion rather than impartiality:

"The sense of property is inherent in the human breast Man was fitted and intended by the Author of his being, for society and government, and for the acquisition and enjoyment of property. It is, to speak correctly, the law of his nature. . . . The sense of property is graciously bestowed on mankind, for the purpose of rousing them from sloth and stimulating them to action; The natural and active sense of property pervades the foundations of social improvement. It leads to the cultivation of the earth, the institution of government, the establishment of justice, the acquisition of the comforts of life, the growth of the useful arts, the spirit of commerce, the productions of taste, the erections of charity, and the display of the benevolent affections. Every man is striving to better his condition; and in the constant struggles and jealous collisions, between men of property and men of no property, the one to acquire, and the other to preserve; and between debtor and creditor, the one to exact and the other to evade or postpone payment; it is to be expected, especially in popular governments, and under the influence of the sympathy which the poor and unfortunate naturally excite, that the impartial course of

¹⁸ Kent, *loc. cit.* (1827).

justice, and the severe duties of the lawgiver, should, in some degree, be disturbed. One of the objects of the constitution of the United States was to *establish justice*: and this it has done by the admirable distribution of its powers, and the checks which it has placed on the local legislation of the states. These checks have already, in their operation, essentially contributed to the protection of the rights of property."¹⁹

IV

In the early nineteenth century, the paramount importance of property was preached by conservative statesmen from as far apart as Massachusetts and South Carolina. When Daniel Webster strove in 1820 to preserve the system under which representation in the Massachusetts state senate was proportioned not to population, but to wealth, he did not hesitate to state his basic principles:

"It seems to me to be plain, that, in the absence of military force, political power naturally and necessarily goes into the hands which hold the property. In my judgment, therefore, a republican form of government rests, not more on political constitutions, than on those laws which regulate the transmission of property.

"If the nature of our institutions be to found government on property, and that it should look to those who hold property for its protection, it is entirely just that property should have its due weight and consideration in political arrangements. Life and personal liberty are no doubt to be protected by law; but property is also to be protected by law, and is the fund out of which the means for protecting life and liberty are usually furnished. We have no experience that teaches us that any other rights are safe where property is not safe

"The English Revolution of 1688 was a revolution in favor of property, as well as of other rights. It was brought about by the men of property for their security; and our own immortal Revolution was undertaken, not to shake or plunder property, but to protect it. The acts of which the country complained were such as violated rights of property. . . ."²⁰

In an age when state and local services were financed through the property tax, Webster spoke of common schools and of the established state church, not as institutions that commanded respect and reverence because they were themselves among the essential and indispensable organs of society, but as incidents of property.

John C. Calhoun, whose posthumous *Disquisition on Government*

¹⁹ J. Kent, *Commentaries*, Lect. XXXIV, "Of Personal Property."

²⁰ D. Webster, speech in the constitutional convention on the basis of the Massachusetts senate, December 15, 1820, in *Works* (1853), III, 15f.

distinguished him as the most systematic thinker among the statesmen of his age, regarded it as the essence of constitutional government that it devised organs by which a "concurrence of interests" could be achieved, rather than have a majority interest destroy the interest of a minority.²¹ Constitutional organs were to govern what government was to society: an attempt to prevent the interest of all being sacrificed to man's naturally greater attachment to self-interest. Each interest would have to be made its own guardian. He sought therefore "to trace the conservative principle of constitutional governments to the necessity which compels the different interests, or portions, or orders, to compromise."²² The likelihood that this might impede the action of government did not deter Calhoun. So much the better, said he. This would confine government to the protecting of men against one another's selfishness, and would leave them liberty to improve their lot. "To perfect society, it is necessary to develop the faculties, intellectual and moral, with which man is endowed. But the mainspring to their development, and, through this, to progress, improvement, and civilization, with all their blessings, is the desire of individuals to better their condition. For this purpose, liberty and security are indispensable. Liberty leaves each free to pursue the course he may deem best to promote his interest and happiness . . . ; while security gives assurance to each that he shall not be deprived of the fruits of his exertions to better his condition."²³

The impact of the doctrine of progress thus made Calhoun the first American conservative to aim at restricting rather than extending the powers of government. Where Ames had feared democracy as anarchy, Calhoun feared majority rule as tyranny. Where Hamilton, Webster, and even Calhoun in his younger days, had pursued a policy of mercantilism, under such names as "internal improvement" and the "American system," a newer conservatism was thus to advocate the limitation of governmental power in the interest of private profit. Yet the fundamental con-

²¹ J. C. Calhoun, *Disquisition* (written in 1850 or earlier; published in 1851); J. S. Mill, *Representative Government* (1861), Chap. 17, praised Calhoun as "a man who has displayed powers as a speculative political thinker superior to any who has appeared in American politics since the authors of the *Federalist*." The similarities between Mill and Calhoun are so striking as to suggest the indebtedness of the later to the earlier writer, despite the greater emphasis of Calhoun on economic, and of Mill on intellectual, progress.

²² Calhoun, *Disquisition*, in *Works*, I, 38 (1854).

²³ *Ibid.*, p. 52.

servatism of this new cult of liberty and progress was shown by the retention of the old hatred of human equality, though now for new reasons. "Inequality of condition," said Calhoun, "while it is a necessary consequence of liberty, is at the same time indispensable to progress."²⁴

V

In their stress on property rights and economic interests, early American conservatives considered themselves thoroughly scientific, in that they believed that their teachings accorded both with psychology and with history. Eighteenth-century psychologists either believed with Hobbes that man was actuated entirely by self-interest, or believed with Adam Smith that he was actuated both by self-interest and by sympathy for his fellows. Calhoun explicitly followed the latter theory, adding that self-interest was so much stronger than sympathy that the cardinal problem of government was to counteract this tendency.

Hamilton as explicitly followed the former theory, with a quotation from Hume in one of his earliest publications:

"Political writers have established it as a maxim that, in contriving any system of government, and fixing the several checks and controls of the constitution, *every man* ought to be supposed a *knave*, and to have no other end, in all his actions, than *private interest*. By this interest we must govern him, and, by means of it, *make him*, notwithstanding his insatiable avarice and ambition, *coöperate to public good*."²⁵

James Harrington meanwhile was credited with demonstrating a fixed relationship between property and power in the social statics of every age of human history. As John Adams put it:

"Harrington discovered, and made out, as Toland, his biographer, informs us, that 'empire follows the balance of property, whether lodged in one, a few, or many hands.' A noble discovery, of which the honour solely belongs to him, as much as the circulation of the blood to Harvey. . . . If this balance is not the foundation of all politics, as Toland asserts, it is of

²⁴ *Ibid.*, p. 57.

²⁵ A. Hamilton, *The Farmer Refuted* (1775), *loc. cit.*, I, 73, citing D. Hume, *Essays* (1740), Essay V, on "Independency of Parliament"; cited also by J. Kent, *ubi supra*. Hamilton's mercantilist policy of basing public power on private wealth, patriotism on profit, and government on property, recalls the contemporary conception of statecraft as the harmonizing of the "the general interest" with "particular interests"—phrases that had been put into circulation by Helvetius. See W. H. Wickwar, "Helvetius and Holbach," in F. J. C. Hearnshaw (ed.) *Social and Political Ideas of Some Great French Thinkers of the Age of Reason* (1929).

so much importance, that no man can be thought a master of the subject without having well weighed it."²⁶

VI

The striking preëminence accorded by early American conservatives to the institution of private property has suggested the generalization that early American social thinking was a dialectic between a conservative English thesis and a radical French antithesis stressing respectively property rights and the rights of man, inequality and equality, aristocracy and democracy, and harking back the one to Locke and the other to Rousseau.²⁷

Going back as it did to John Locke's idea that government existed to conserve inequalities in property, the English element in early American conservatism had little to do with contemporary British thinking. In politics, American conservatives lacked Burke's sense of multi-institutional organic continuity, as much as American democrats lacked Bentham's utilitarian yardstick. In economics, they failed to divine the danger to their belief in natural inequality that was latent in the British classical economists' law of rent; nor did they see with John Stuart Mill how often property derived from force, fraud, and political privilege. To be brought up against the flaws in their economics of inequality, they would have to wait for America's own Henry George and Thorsten Veblen—although, by then, they would receive new strength from the social Darwinism of William Graham Sumner. And to be brought up against a multi-institutional interpretation of social authority, they would have to wait for the coming of Francis Lieber, if not of Edward A. Ross and Arthur Bentley. Meanwhile, without any careful analysis of what they meant by property—and without even perceiving that the small freeholder was more likely than not to be a democrat—the early American conservatives continued the long

²⁶ J. Adams, "Defense of the Constitutions," *ubi supra*, IV, 428, also citing J. Harrington, *Oceana*, ed. John Toland (1700). Toland was also the father of eighteenth-century materialism, and for these reasons must be counted a precursor of materialist interpretations in general; see Wickwar, *Halbach*, p. 74f. Daniel Webster, *ubi supra*, pointed out that the rôle of property in social statics was first recognized, not by Harrington, but by Aristotle.

²⁷ V. L. Parrington seems to hint at this interpretation, *op. cit.*, Vols. II and III, *passim*, although he complicates a generally tenable theory by associating Hamilton's mercantilism with Adam Smith's anti-mercantilism and by omission to note that the French physiocrats, although agrarian equalitarians, were anything but democrats.

FOUNDATIONS OF AMERICAN CONSERVATISM

process of adapting Locke to American needs.²⁸

The English element in American conservatism was something that was already here, firmly transplanted, and thoroughly climated before the Revolution; for it went back beyond classical economists, beyond Burke, and beyond Hume, to Locke and James Harrington; and its only considerable reinforcement from England after the Revolution came from the statesman Blackstone. In this it differed greatly from the French ideal according to which, so far from government existing to correct economic inequality, every constitution needed to be remodelled in order to restore natural equality; for this conception went back farther than Rousseau, was not introduced into America until the epoch of the American and French Revolutions, and proved more destructive of the English tradition in American political institutions than of the deep-rooted economic institution of universal property. Yet it was the impact of these new French ideals that made American conservatives conscious of their own beliefs.

Neither the proponents of the unequal rights of property nor those of equal rights of man set great store by social evolution. All but Calhoun were untroubled by the problem of whether social change was attributable mainly to intellectual movements or to economic advances as suggested by Mill and Comte, or to economic advances as suggested by Marx, although the stage was paradoxically being set for American conservatives to take the latter, and American liberals the former, line. Perhaps because of this slowness in becoming social evolutionists, there was no fruitful marriage between the two schools, such as might have produced a theory of conservative and institutionalized progress towards diminished inequality. Perhaps also it was because there was in fact but little political theorizing; instead, only the political thinking that is shared by leaders and followers in the heat of political strife, and that is characterized more by perpetuation and revamping of familiar ideas and phrases than by the opening of new paths. The intellectual weaknesses of this faith in property were perhaps part of its strength; for America was here at the beginning of the strange development that was to make its conservatives into Marxists and its liberals into Marxist advocates of the power of ideas to reshape society.

²⁸ On conservative blindness to the political implications of small land ownership, see J. T. Horton, *James Kent* (1939), pp. 279 ff., and cf. Webster and

AMERICAN GOVERNMENT AND POLITICS

A NEW APPROACH TO FEDERAL EXECUTIVE REORGANIZATION

FERREL HEADY

University of Michigan

The recurring problem of executive reorganization once again has become a major issue. One reason is the recognition in all quarters of the desirability of a thorough overhauling of the vast federal administrative structure which mushroomed necessarily under pressure of the war emergency, and of the necessity for a reconversion of the executive organization to a peacetime basis.¹ Another incentive to renewed concern is the urgency of assuring organizational efficiency for the translation into effective action of national policies undertaken as the result of our enlarged domestic and international responsibilities in the postwar period. Furthermore, the particular interest shown by the present Congress in the reduction of governmental expenditures has helped focus attention on the question of economy in governmental operations. The fact that a decade has passed since the last frontal attack on the problem lends support to the demand for a new drive toward reform.

Unfortunately, the revival of interest in a comprehensive reorganization movement comes at a time when the prospect for success in such an undertaking seems, on the surface at least, to be unusually dim. Even under the most favorable circumstances, large-scale executive reorganization involves formidable difficulties. However initiated, a reorganization program must be sanctioned by the enactment of authorizing legislation. This is a hazardous task, demanding mutual confidence and an acceptable working relationship between the legislature and the executive. The fatal barrier to many efforts at reorganization in the past has been the failure to work out a satisfactory *modus operandi* between Congress and the President. The hard fact is that at no time since executive reorganization became a matter of serious concern in this country has the possibility of such coöperative action between Congress and the President seemed as remote as it does right now. Since the method by which reorganization plans are developed for legislative consideration may have a decisive influence on the reaction to the plans in Congress, the crucial need is the

¹ For discussions of the postwar conversion problem, see Arthur W. Macmahon, "The Future Organizational Pattern of the Executive Branch," in this REVIEW, Vol. 38 (1944), pp. 1179-1191; and Louis Brownlow, "Reconversion of the Federal Administrative Machinery from War to Peace," *Public Administration Review*, Vol. 4 (1944), pp. 309-326.

utilization of existing procedures or the development of new ones to the end that suitable proposals may be submitted to Congress and gain congressional passage and presidential approval.

The existing machinery appears clearly inadequate for such a basic reorganization. In the first place, the Reorganization Act of 1945 contains drastic limitations. The essential features of the departmental structure cannot be altered. Most of the major independent agencies are exempt. The expiration date for the act is now close at hand. More important than this, any reorganization plan which the President might submit for the achievement of fundamental changes would have little likelihood of escaping a congressional veto. Congress has plainly demonstrated this by its treatment of recent reorganization plans proposing relatively minor adjustments.²

If the existing legislative authorization is inadequate, what are the alternatives? Time and again it has been shown that Congress is unable, on its own initiative, to work out and adopt a comprehensive reorganization of the executive branch. This is true even though congressional committees engage in extensive study of the problem and submit definite recommendations for congressional approval. On the other hand, presidential initiation of a reorganization program, although a moderately successful technique in the past, presents slight promise for the present. A new reorganization proposal, based upon the results of a study either by such an agency as the Bureau of the Budget or by a special presidentially appointed commission, bears little likelihood of acceptance by Congress under present circumstances.³

The only method of initiation which seems at all feasible now is some arrangement whereby the President and Congress, acting jointly, might set up a special investigatory body which would study the entire problem and submit recommendations carrying marks of sponsorship by both branches. A reorganization plan so formulated, when translated into proposed legislation, might conceivably achieve passage by Congress and approval by the President. This new approach has recently been adopted in a bill passed by Congress and signed by the President; and it carries the only substantial hope for early progress toward reorganizing the executive branch.

The act stems from identical bills for the establishment of a Commission

² For a statement as to the legislative history and principal provisions of the Reorganization Act of 1945, and an account of congressional reaction to the 1946 reorganization plans, see Joseph P. Harris, "Wartime Currents and Peacetime Trends," in this *Review*, Vol. 40 (1946), pp. 1146-1149.

³ A concise review of reorganization attempts from World War I through 1946 is contained in Lloyd M. Short, "Adjusting the Departmental System," in this *Review*, Vol. 41 (1947), pp. 48-55.

on Organization of the Executive Branch of the Government, introduced in their respective houses by Representative Clarence J. Brown of Ohio and Senator Henry Cabot Lodge, Jr. of Massachusetts, both Republicans, shortly after the Eightieth Congress convened in January, 1947.⁴

The proposal had a singularly easy journey through the legislative mill. No alteration of the language of the bill as originally introduced occurred at any stage; nor was a single vote recorded against the proposal, either in committee or on the floor. In the House, the measure was referred to the Committee on Expenditures in the Executive Departments, and reported favorably by unanimous vote. On June 26, the House considered the bill briefly and passed it by voice vote without dissent. The only statement made on the floor was one in support of the bill by Democratic Representative McCormack, acting minority leader.⁵

The Senate likewise referred the bill to its Committee on Expenditures in the Executive Departments, which held hearings, accepted the recommendations of a subcommittee designated to study the proposal, and on June 24, after unanimous vote, reported the bill favorably.⁶ On June 27, the day after House passage of the measure, it was taken up in the Senate, where the House version was acted upon and the identical Senate bill indefinitely postponed. Senator Lodge, who had twice previously discussed the bill at some length on the floor,⁷ offered a brief explanation and answered minor questions raised by Senator Langer of North Dakota. Following this short exchange of views, the Senate promptly voted unanimous approval also.⁸ On July 7, the bill was signed by the President.⁹

The act establishes a Commission of twelve members, designed to include equal representation for each of the two major parties, and an even balance between members drawn from private life and members currently holding public office. Of the six public members, two must be senators, two members of the House of Representatives, and two officials in the executive branch.

To ensure this distribution, the act provides¹⁰ that the appointing power be equally divided among the President of the United States, the president *pro tempore* of the Senate, and the speaker of the House of Representatives. Two of the four members chosen by each appointing

⁴ H. R. 775, introduced January 10, 1947; S. 164, introduced January 13, 1947.

⁵ *Cong. Record*, Vol. 93, No. 122, pp. 7918-7921, June 26, 1947.

⁶ Senate Hearing before Committee on Expenditures in the Executive Departments on S. 164, Mar. 13, 1947; Senate Report No. 344 by Committee on Expenditures in the Executive Departments to accompany S. 164, June 24, 1947.

⁷ *Cong. Record*, Vol. 93, No. 8, pp. 282-283, Jan. 13, 1947, and *Cong. Record*, Vol. 93, No. 40, pp. 1639-42, Mar. 3, 1947.

⁸ *Cong. Record*, Vol. 93, No. 123, pp. 7969-7970, June 27, 1947.

⁹ Public Law 162—80th Cong., 1st Sess.

¹⁰ Sect. 3.

authority must be private citizens. In addition, the President names two executive officials, the president *pro tempore* two senators, and the speaker two representatives. Not more than one individual in each of these classes of two may be affiliated with either of the two major parties. Any vacancy occurring is to be filled in the same manner in which the original appointment was made.

Section 1 of the act declares that the policy of Congress is to promote economy, efficiency, and improved service in the transaction of the public business in all the agencies of the executive branch of the government, and lists the following as means of achieving this objective: limitation of expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions; elimination of duplication and overlapping of services, activities, and functions; consolidation of services, activities, and functions of a similar nature; abolition of such services, activities, and functions as are unnecessary for the efficient conduct of government; and definition and limitation of executive functions, services, and activities.

The Commission is instructed¹¹ to study and investigate the present organization and methods of operation of all executive agencies in order to determine what changes are necessary to accomplish the purposes set forth in Section 1. Power to hold such hearings as deemed advisable, and to administer oaths to witnesses, is granted the Commission or any member;¹² and every executive agency is directed to furnish such information, suggestions, estimates, and statistics as may be properly requested by the chairman or vice chairman.¹³

The chairman and a vice chairman are chosen by the Commission from among its members;¹⁴ and seven members constitute a quorum.¹⁵ Compensation varies for members who are from Congress, members from the executive branch, and members from private life.¹⁶ Senators and representatives get no additional compensation beyond that received for their services as members of Congress. A member from the executive branch receives his regular salary, plus such additional compensation, if any, as is necessary to make his aggregate salary equal to the congressional salary of \$12,500. Private members receive \$50 per diem when engaged in the performance of duties vested in the Commission. In addition, provision is made to reimburse all members for travel, subsistence, and other necessary expenses incurred by them in the performance of Commission duties.

Section 8 authorizes the necessary appropriation for carrying out the

¹¹ Sect. 10(a).

¹² Sect. 11(a).

¹³ Sect. 11(b).

¹⁴ Sect. 4.

¹⁵ Sect. 5.

¹⁶ Sect. 6.

provisions of the act. An initial appropriation of \$750,000 has been made,¹⁷ which the Senate committee estimated would be sufficient to carry the Commission through the major portion of its work.¹⁸ The Commission has power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended.¹⁹

The act specifies that the Commission shall make its report of findings and recommendations to Congress within ten days after the Eighty-first Congress is convened and organized, in January, 1949.²⁰ Ninety days after this report is submitted, the Commission will automatically cease to exist.²¹

What are the prospects for accomplishment by a Commission thus constituted and equipped, and what are some of the operational problems faced by it?

Although no positive attack has been launched on the act creating the Commission, considerable skepticism has been expressed as to the success of the venture. After reviewing the past history of reorganization, Lindsay Warren, comptroller-general of the United States, in a letter addressed to the chairmen of the committees of Congress which considered the bill, stated that results are obtainable only through a delegation to the President by Congress of broad power to make organization changes, subject to congressional disapproval. He contended that "it will serve no useful purpose to investigate and report again in the expectation that this will insure reorganization changes being made. That method has been proved to be unworkable." He concluded that the effort would be futile and a waste of public funds.²²

James E. Webb, director of the Bureau of the Budget, in a letter to Chairman Aiken of the Senate committee, likewise expressed the view that "if past experience with methods generally similar to those contemplated by the present bill is a valid gauge of its probable results, a

¹⁷ Second Supplemental Appropriation Act, 1948, Public Law 299—80th Cong., 1st Sess., approved July 31, 1947. The House of Representatives approved an appropriation of \$500,000 for the Commission to begin operations. In the Senate, the sum was raised to \$1,000,000. A conference committee compromised on \$750,000, which was the figure originally recommended by the Senate Committee in its report on S. 164.

¹⁸ Senate Report No. 344, p. 3.

¹⁹ Sect. 7. In order to broaden this power of the Commission somewhat, Representative Brown has introduced a bill to amend Section 7 by authorizing the Commission to pay expert consultants at rates not to exceed \$50 per day, and to employ organizations or firms on a temporary or intermittent basis. H.R. 4469, introduced November 17, 1947. *Cong. Record*, Vol. 93, No. 148, p. 10720.

²⁰ Sect. 10(b). ²¹ Sect. 9.

²² The letter is reprinted in *Cong. Record*, Vol. 93, No. 122, pp. 7918-7920, June 26, 1947.

substantial degree of success cannot be expected to attend the efforts of the proposed Commission." He stressed the shortcomings of "a one-time effort and single report," and advocated the continuation of procedures provided for in the Reorganization Act of 1945, whereby the President prepares and presents specific reorganization plans for congressional review. Nevertheless, he extended the assurance that the President would, if Congress saw fit to enact the proposed legislation, "extend his full cooperation to the end that the objectives sought may be attained."²³

Over against these pessimistic predictions may be set certain factors favorable to a successful outcome for the Commission's work. Very important is the time schedule set for submission of the completed report. The date specified comes after the 1948 elections, so that use of the report for campaign purposes by either party is avoided, and partisan pressures on the work of the Commission should be reduced to a minimum. The report is to be made available to a newly elected President and Congress upon taking office, a time most apt to invite favorable action upon it.

Probably the most crucial consideration in speculating on the success of the project is the caliber of the individuals named to serve on the Commission. The division of appointing power and the complex system of representation provide large opportunities for partisan bias. Only a group of men with unusual qualifications and unquestioned prestige, on the other hand, can hope to cope with the immense assignment and have the resulting recommendations adopted.

On this score, the quality of the appointments which have been made is highly reassuring. A mere listing of the appointees is enough to demonstrate that each appointing official conscientiously attempted to select members who would be ideally fitted for the task. President Truman named from the executive branch Secretary of Defense James A. Forrestal and Civil Service Commissioner Arthur S. Flemming. His appointees from private life are Dean Acheson, until recently Under Secretary of State, and George Mead, Dayton industrialist with a long record of volunteer public service. The records of those appointed by Senator Vandenburg and by Speaker Martin are equally impressive. As private members, Senator Vandenburg chose Professor James K. Pollock, chairman of the department of political science at the University of Michigan, and Joseph P. Kennedy, former ambassador to Great Britain and former chairman of the Securities and Exchange Commission and of the Maritime Commission. The selections of Speaker Martin from private life are former President Herbert Hoover and James Rowe, who served as an administrative assistant to President Roosevelt. The Senate is represented by Senators George D. Aiken of Vermont, chairman of the Senate Committee on Expenditures

²³ This letter is reprinted in the report of the Senate Hearing on S. 164, *op. cit.*, at p. 3.

in the Executive Departments, and John L. McClellan of Arkansas, ranking minority member of the same committee. From the House come Representatives Clarence J. Brown of Ohio, House sponsor of the act, and Carter Manasco, Democrat, of Alabama, ranking member of the House committee which considered the bill.²⁴

Among the problems of operation and procedure with which the Commission must contend are some resulting from the size and diversified character of the Commission itself. A membership of twelve requires that the entire body shall not attempt to act as a unit in all matters. Most likely it will be found effective to designate sub-committees to deal with various phases of the work, having regard to the particular interests and backgrounds of the several members. Great care must be exercised to avoid the growth of factionalism and friction between Republicans and Democrats, or public and private members, or representatives from the legislative and executive branches.

A vital factor in success or failure will be the competency of the staff which the Commission builds up to do the bulk of the work. The staff may be either a large one, employed on a continuing basis and of sufficient size to undertake all necessary studies, or a much smaller permanent one, supplemented for shorter periods and for specific purposes by specialists engaged from such sources as the public service, academic and research institutions, and private management firms. The latter alternative has definite advantages, and seems to have been favored by sponsors of the program.²⁵

The nature of the research program undertaken inevitably will be a reflection of the goals which the Commission sets as to the character of the recommendations which will be the end product of its work. Here it is desirable that primary attention be paid to the really basic issues of executive organization, rather than to the multitudinous petty details which easily might dissipate the energies of the Commission and its staff. Among such fundamental questions, to mention only a few, are the rôle

²⁴ The Commission, holding its first meeting at the White House on September 29, 1947, elected former President Hoover chairman and Mr. Acheson vice-chairman. An official of the U. S. Civil Service Commission was designated as acting secretary, and preliminary arrangements were made for the procurement of required office space, supplies, and equipment. At a second meeting in Washington on October 20, the Commission discussed its program of operations and authorized the appointment of temporary administrative aides.

²⁵ See Senate Report No. 344, p. 6. Following a third meeting of the Commission, on November 18, Chairman Hoover announced that the Commission had decided to organize its projects along functional lines, and that the following "task force leaders" had already been named to direct particular studies: John W. Hanes, Fiscal, Budgetary, and Accounting Methods and Control; Robert Moses, Public Works; and Franklin D'Oher, Veterans Affairs. Mr. Hoover himself, with the cooperation of the Bureau of the Budget, is to undertake a study of the presidency and its relations with executive agencies.

which the cabinet should play in executive management and the ways by which the cabinet can be equipped to function in that rôle; the proper span of control of the President; the effective direction of the vast federal field services; the organization and management of the governmental establishments abroad which are required to carry out the foreign commitments of the United States; and the respective responsibilities of the President and Congress in the conduct of administration, together with the means by which those responsibilities can effectively be carried out.²⁶ The language of Section 1 of the act appears to provide ample authorization for the Commission to concern itself with these matters and to make recommendations regarding them.

The Commission is expected to submit its recommendations to Congress in the form of specific legislative proposals to effectuate the changes indicated by its findings.²⁷ This does not mean that the proposed legislation is intended to, or should, provide in elaborate detail and in permanent form the exact arrangement of every agency and sub-agency in the executive branch. Rather, the legislation should set forth the general pattern and the main structural outline of the national administration, leaving to the chief executive considerable discretion as to details of organization. Certainly it should be clear by now that provision must be made for organizational adjustments as the need for them appears, and that executive organization is not static. No reorganization, however perfect when put into effect, can be good for all time. In this connection, the device of permitting executive initiative in proposing plans of reorganization subject to congressional disapproval is a technique which has proved its usefulness. It would be unfortunate if it were abandoned altogether as a feature of the machinery to be recommended by the Commission for continuous control of executive organization.

Aside from the immediate results which may be hoped for from this particular Commission in meeting the problem of executive reorganization, the mixed commission device holds much promise for the future. It provides an investigatory body combining public and private, legislative and executive representation, responsible for making policy recommendations to the national legislature on basic public problems. Thus in its objectives and general methods of operation the present Commission is similar to the British royal commissions, although the structure and composition of the Commission have been adapted to fit the American governmental environment. The most interesting precedent in the United States prior to the current experiment was the Temporary National Economic Committee of the late thirties, which, however, contained

²⁶ For a discussion of some of these major problems and constructive suggestions as to how to cope with them, see Macmahon, "The Future Organizational Pattern of the Executive Branch," *op. cit.*

²⁷ See Senate Report No. 344, p. 7.

members drawn only from Congress and the executive branch, with no private citizens. The value of the royal commissions in Great Britain is well established and widely appreciated. If the present Commission measures up to its potentialities, it may mark the beginning of a new development in this country furnishing us with an effective instrument meriting further exploration for dealing with problems of national importance.²⁸

A NEW CONSTITUTION FOR NEW JERSEY

BENNETT M. RICH

Rutgers University

New Jersey's new constitution will become effective January 1, 1948. By the overwhelming vote of 653,096 to 184,632 (official figures), the people signified their approval, November 4, of the work of the constitutional convention held at Rutgers University, June 12 to September 10, 1947.

Revision became a live issue when Governor Alfred E. Driscoll, in his inaugural address, emphasized the need for modernizing the state's out-moded 1844 constitution.¹ Quickly a bill was passed calling for popular endorsement of a limited convention—limited in that the question of legislative representation was barred from discussion.² At the regular election for county officials on June 3, the voters were given an additional ballot to express their preference for or against the proposed convention. On this ballot they voted also for delegates.

Each county was entitled to as many delegates as it had senators and representatives. In 13 of the 21 counties, delegates were selected by the party organizations on a bipartisan basis, and the final party distribution

²⁸ For an excellent brief discussion of the advantages and disadvantages of mixed commissions for use in the United States, see "Analysis and Appraisal of S. 164," by George B. Galloway, Advanced Research Section, Library of Congress, reprinted in Senate Hearing on S. 164, *op. cit.*, pp. 4-6.

¹ On previous efforts to revise the constitution, see John E. Bebout, "New Task for a Legislature," *National Municipal Review*, Vol. 33 (Jan., 1944), pp. 17-21; William Miller, "The Report of New Jersey's Constitutional Commission," in this *Review*, Vol. 36 (Oct., 1942), pp. 900-906.

² By this means the small counties were assured of their continued domination of the senate, where all counties, large and small, have but one seat. The first step provided in the bill for tying the hands of the delegates was the ballot statement: "for or against such a constitutional convention, instructed to retain the present territorial limits of the respective counties and the present basis of representation in the legislature." The bill further required each delegate to swear that he would abide by the instructions of the people. Finally, before the convention could submit the constitution to popular referendum, the bill required the secretary of state to certify that the convention had complied with "its instructions as voted by the people." Senate No. 100, State of New Jersey; introduced Feb. 3, 1947.

was: Republicans 54, Democrats 23, and Independents 4. Of the 81 delegates, 50 were lawyers, and of these 21 were either active or retired judges. Twenty-five delegates were serving or had served in the legislature. Sixteen had teaching experience. Eight were women.

The referendum on the question of holding a convention was carried by a ratio of five to one. On June 12, just nine days later, Governor Driscoll formally opened the sessions.³ Dr. Robert C. Clothier, president of Rutgers University and a delegate from Middlesex county, was elected president. His first major act was the appointment of nine committees, five to consider the substantive provisions of the constitution and four to conduct the business of the convention.⁴ During July and August, extensive hearings were held. Committee proposals were then drafted for consideration by the delegates in general debate. The convention adjourned on September 10.

Significant changes in the constitution follow:

Bill of Rights: The right of collective bargaining is recognized for persons in private employment; those in public employment may organize and present their grievances through representatives of their own choosing. Persons may not be limited in their rights nor segregated in the militia or the public schools because of race, religion, or national origin.

Elections and Suffrage: A new clause authorizes the legislature to provide for absentee voting by members of the armed forces in time of peace. This is intended to limit the legislature to providing absentee voting for the military only.

The Legislature and Its Powers: A two-year term is provided for assemblymen, with senators serving four rather than three years. The \$500 annual salary is eliminated in favor of legislative determination. A full calendar day must elapse between the second and third readings of a bill unless the house, by a three-fourths vote, determines that the bill is an emergency measure.⁵

A clause concerning control of gambling proved especially troublesome. Gambling in any form was prohibited by constitutional amendment in 1897, but in 1939, a second gambling amendment authorized pari-mutuel

³ On the opening day, each delegate was presented with certain research material. The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention coördinated the preparation by individual authors of over 30 monographs. For a list of these, see "Constitution Revision Stirrs Researchers," *National Municipal Review*, Vol. 36 (Sept., 1947), p. 475.

⁴ Rights, Privileges, Amendments and Miscellaneous Provisions; Judiciary; Legislative; Taxation and Finance; Executive; Militia and Civil Officers; Submission and Address to the People; Arrangement and Form; Rules, Organization, and Business Affairs; Credentials, Printing, and Authentication of Documents. Later a Committee on Public Relations was appointed.

⁵ The fraction in the above sentence and elsewhere, is of *all* the members, not of a quorum.

betting at horse races.⁶ This left the state in the anomalous position of legalizing big-time betting on horse-racing while making illegal church, firemen, and veterans bingo games. According to the new provision, gambling may be authorized by the legislature providing the "specific kind, restrictions, and control" have been accepted by popular referendum.

The new constitution calls for a liberal construction of laws relating to municipalities and counties. A greater measure of home rule seems assured through a clause authorizing local governments to petition for special legislation. To become effective, a special law must be approved by two-thirds of each house and adopted in the municipality or county either by action of the governing body or by popular referendum.

Executive: The governor's constitutional position, heretofore among the country's weakest, is strengthened considerably. His term is extended from three years to four and he may succeed himself once. The election will be in odd-numbered years. In order to override the governor's veto, a two-thirds vote is required instead of a majority. The period for gubernatorial consideration of bills at the end of a legislative session is increased from five to forty-five days. The legislature will automatically reconvene to consider vetoed measures, thus eliminating the pocket veto.

Important changes were made in the realm of state administrative organization. All state agencies except temporary commissions are to be allocated among not more than 20 principal departments, which are to be headed by single executives "unless otherwise provided by law." Although the politically powerful commission-governed agencies will thus retain their status, the governor must approve, and he may remove, executive heads selected by commissions. Single executives, appointed with the senate's consent, serve at the governor's pleasure. Exceptions are the secretary of state and the attorney-general, whose terms are to be concurrent with that of the chief executive. The initial allocation of agencies is to be made by the legislature prior to July 1, 1949, and if the legislature does not complete it by that time, the governor "shall" call a special session of the legislature to consider exclusively his plans for effecting the reorganization.

In order to put teeth into the customary assertion that the governor shall "take care that the laws be faithfully executed," he is empowered to take court action to enforce compliance with the law or to restrain violation of the law by any officer or agency of the state. The legislature is instructed to provide for the publication of rules and regulations promulgated by the administrative departments.

Judicial: Far-reaching reforms were made in the state's antiquated and top-heavy judicial system. The highest judicial body, the sixteen-man

⁶ Two of the four occasions since 1844 when New Jersey's constitution was changed concerned gambling.

court of errors and appeals, was eliminated. So also was the supreme court, whose nine judges have sat on the court of errors and appeals. The equity court as a separate system was abolished.

The new court structure consists of a supreme court of seven justices; a superior court with appellate, law, and chancery divisions; county courts; and inferior courts of limited jurisdiction. The supreme court is made responsible for rules governing the administration of all courts and "subject to law, the practice and procedure in all such courts." An administrative director is to be appointed by the chief justice to serve at his pleasure.

Members of the supreme and superior courts will be appointed initially for seven years and, upon reappointment, during good behavior with retirement at seventy. Upon certification by the supreme court, the governor may appoint a commission of three to investigate any question of incapacity and, upon their recommendation, may retire any member of the court. Supreme and superior court members are prohibited from "engaging in the practice of law or other gainful pursuit."

Public Officers and Employees: Constitutional status is given the merit system for state employees. The state auditor, whose duty is specified as "post auditing," is to be selected at a joint meeting of the legislature. County prosecutors will continue to be appointed by the governor. County reform may be impeded by the fact that county clerks, surrogates, and sheriffs are given constitutional status.

Taxation and Finance: The success or failure of the convention swayed in the balance during the period of the debates on the tax clause. Party leaders arrived at a compromise designed to eliminate the loss of revenue sustained by cities having second-class railroad property (stations, yards, and terminals). Such railroad property, sixty per cent of which is located in Jersey City, is taxed by state law at a rate much below the average city rate. The new constitution requires all real property to be assessed according to the same standard of value and to be taxed at the "general tax rate of the taxing district in which the property is situated."

Veterans are given a five-hundred-dollar exemption from taxation on real and personal property. The constitutional debt limitation of \$100,000 is increased to one per cent of the general appropriation. Improvements resulting from the redevelopment of blighted areas by municipal, public, or private corporations may be exempted from taxation for a limited period. The legislature is authorized to provide for the transportation of children "to and from any school."

Amendments: The amending clause is liberalized slightly. In contrast to the old requirement of action by successive legislatures prior to popular referendum, a three-fifths vote of both houses now places the proposed amendment before the people. Failing the three-fifths vote, a majority in succeeding legislative years is needed before a referendum may be held.

RURAL LOCAL GOVERNMENT

COUNTY AND TOWNSHIP GOVERNMENT IN 1946*

CLYDE F. SNIDER AND NEIL F. GARVEY

University of Illinois

The first postwar year found rural local government facing problems of readjustment. As the rural units had felt the impact of war less forcefully than the states and cities, so their reconstruction problems were less acute; but they were none the less genuine and significant. To mention but a few, these included the construction of deferred public-works projects, the provision of housing and various forms of assistance for returned veterans, the modernization and expansion of public-welfare services, the securing of additional revenues adequate to finance an expanded program of local activities, and the reorganization of local areas and machinery with a view to fostering economy and efficiency in a period of mounting governmental costs. Though less than a dozen state legislatures held regular sessions, the year's enactments served both to initiate reconstruction programs begun a year earlier in many states and to indicate the nature of other measures likely to be more generally adopted in the future. Statutes of previous years formed the basis of various improvements in local government which were effected in 1946.¹

I. AREAS

The school-consolidation programs begun in the preceding year in Illinois and Kansas² continued to make progress. At the beginning of October, 174 consolidations involving 897 districts had been effected in Illinois.³ In Kansas, some 2,000 districts have already been eliminated, and it has been estimated that the program in that state, as revised early in 1947, may ultimately reduce the number of districts, originally well over 8,000, to only 3,000.⁴

One of Missouri's 24 township-organization counties voted in the 1946

* For previous annual summaries, see this *Review*, Vol. 41, pp. 28-47, and earlier articles listed therein.

¹ Since the 1945 Missouri session laws have not heretofore been available, various statutes of that year implementing provisions of the new Missouri constitution are mentioned in this article.

² See this *Review*, Vol. 41, pp. 29-31.

³ *Public Aid in Illinois* (monthly publication of the Illinois Public Aid Commission), Vol. 14, no. 2, p. 10 (Feb., 1947).

⁴ John G. Stutz, note in *National Municipal Review*, Vol. 36, p. 333 (June, 1947).

election to abandon the township system, while in two other counties the proposition to abandon townships was voted on and defeated.⁵

Interest in city-county consolidation continued to spread, and steps were taken which ultimately resulted in the effecting of one such consolidation. This was in Louisiana, where the 1946 legislature proposed and the voters of the state ratified a constitutional amendment providing for the creation of a city-parish charter commission for the city of Baton Rouge and the parish of East Baton Rouge. The charter commission consisted of nine members—three appointed by the police jury of the parish, two by the Baton Rouge city council, and one each by the school board, the local chamber of commerce, the director of the state department of public works, and the president of the state university. It was made the duty of the commission to devise, for submission to the parish voters, a plan of government for the parish and the several municipalities therein which might provide for the consolidation or reorganization of all or part of the local governmental units. Tentative proposals drafted by the commission would have consolidated the major functions of the parish and city under a manager form of government. As a result of objections voiced at public hearings, however, the proposals were modified to substitute an elective mayor-president for the appointive manager. With this change, but without reducing the powers of the chief executive, the new charter was approved by the voters in August, 1947. The first officers of the new city-parish government will be elected in January, 1948. Numerous other communities were displaying interest in the possibilities of city-county consolidation. These included, among others, Bibb county, Georgia, and the city of Macon; Muscogee county, Georgia, and the city of Columbus; Nashville and Davidson county in Tennessee; and Missoula county and the city of Missoula in Montana.⁶

II. ORGANIZATION AND PERSONNEL

New Offices. New local offices and agencies were created in a few instances. Louisiana empowered parishes to establish planning commissions whose duty it will be to prepare and adopt master plans for the physical development of unincorporated areas. Rhode Island created in each town a redevelopment agency with power, upon authorization by the town council, to plan and carry out projects for redeveloping blighted areas.

⁵ Information supplied by Dr. Estal E. Sparlin, assistant director, Governmental Research Institute, St. Louis. The writers are indebted also to Dr. Sparlin for reporting the items from the Missouri session laws noted at various subsequent points.

⁶ *Acts of Louisiana*, 1946, no. 389; H. M. O., note in *National Municipal Review*, Vol. 35, pp. 491-492 (Oct., 1946); Elwyn A. Mauck, notes in *ibid.*, Vol. 35, pp. 268-267, 492, 615 (May, Oct., Dec., 1946), Vol. 36, pp. 413, 468 (July, Sept., 1947).

Georgia counties were authorized to establish recreation boards for the conduct of supervised recreation programs. The counties of Idaho were empowered to establish hospital boards and to appoint veterans' service officers.⁷ Seventeen Illinois counties, acting under enabling legislation of 1943, voted to establish county health departments or to join in establishing multi-county departments.⁸

Office Abolition and Consolidation. Legislation was enacted in Missouri to make effective the constitutional provision abolishing justices of the peace and substituting therefor a system of county magistrates. In the 94 counties of less than 30,000 population, the probate judge is the county magistrate, so that in those counties the change amounts to an outright abolition of the justice courts, with the probate judge now performing their former functions. Each of the 15 counties of between 30,000 and 70,000 population has an elective magistrate, and each of the three counties having a population between 70,000 and 100,000 has two magistrates. In St. Louis county, there are four magistrates; in Jackson county (Kansas City), six; and in St. Louis city, ten. Constables were also abolished throughout the state except in St. Louis and Jackson counties and the city of St. Louis.⁹

In Richmond county (Augusta), Georgia, various office consolidations followed the gaining of control of the county board by a local good-government league. Under the new set-up, a single officer will serve as clerk of the board, custodian of the courthouse, and purchasing agent; the positions of county physician and coroner's physician are combined; and the office of superintendent of roads, bridges, and stockade represents a consolidation of three former positions.¹⁰

County and Town Executives. No additions were made during the year to the list of manager-governed counties. However, in two counties—Fulton (Atlanta) in Georgia and McMinn (Athens) in Tennessee—there were successful manager movements resulting in the adoption of manager plans which became effective early in 1947.

Grand juries in Fulton county have recommended again and again that the question of adopting manager government be submitted to the county voters. Submission of the question was finally made in the 1946 (June) primaries, and the vote was more than two to one in favor of the manager.

⁷ *Acts and Resolutions of Georgia*, 1946 (adjourned sess.), p. 152; *General Laws of Idaho*, 1946 (1st extra sess.), chs. 27, 38; *Acts of Louisiana*, 1946, no. 319; *Acts and Resolves of Rhode Island*, 1946, p. 361.

⁸ Information supplied by Dr. Richard F. Boyd, chief of the Division of Local Health Administration, Illinois Department of Public Health. See *infra*, "Functional Consolidation." Five county departments had previously been established under the 1943 legislation.

⁹ *Laws of Missouri*, 1945, pp. 608, 807, 826.

¹⁰ Elwyn A. Mauck, note in *National Municipal Review*, Vol. 36, p. 50 (Jan., 1947).

plan. In conformity to the wishes of the electorate as thus expressed, the county board of commissioners authorized the appointment of a five-member committee to draft, with the aid of the county auditor and the county attorney, a manager bill for presentation to the state legislature at its 1947 session. The bill thus drafted was promptly passed by both legislative houses and signed by the governor.¹¹

The manager movement in McMinn county followed several months of stormy political controversy which culminated in armed violence.¹² When a slate of ex-GI candidates for county office won in the August election and finally succeeded in wresting control from the party machine which had long dominated the county, basic governmental reforms were in order. A manager charter for the county was drafted by the local good-government league. Sponsored by various civic organizations and leading citizens, this charter, in the form of a special statute, was introduced in the Tennessee legislature by representatives from McMinn county and enacted into law. The law, which took effect immediately upon passage, named persons endorsed by the league as members of the first county council under the manager plan. These members will serve until the regular county election in 1948.¹³ Adoption of manager government by Fulton and McMinn counties brought to eleven the number of American counties operating under manager plans recognized by the International City Managers' Association.¹⁴

Petroleum county, Montana, the first strictly rural county to adopt manager government, was reported, on the basis of four years' experience, to be finding the plan very successful. Substantial reductions have been made in the number of county officers, total administrative costs, and county indebtedness.¹⁵ In Oregon, Clackamas county voted on but defeated a manager charter prepared under the provisions of a 1945 enabling act. San Diego county, California, created the position of "chief administrative officer," the duties of which will include supervision of most of the county's departments.¹⁶

The town manager plan continued to spread in New England, especially in Maine. Upwards of a dozen Maine towns adopted manager government during the year, bringing to 80 the total number of Maine municipalities,

¹¹ Elwyn A. Mauck, notes in *National Municipal Review*, Vol. 35, pp. 320, 375 (June, July, 1946), Vol. 36, p. 169 (Mar., 1947).

¹² For an able account of this episode, see Theodore H. White, "The Battle of Athens, Tennessee," *Harper's Magazine*, Vol. 194, pp. 54-61 (Jan., 1947).

¹³ Elwyn A. Mauck, notes in *National Municipal Review*, Vol. 35, pp. 435-436 (Sept., 1946), Vol. 36, pp. 50, 169-170, 224 (Jan., Mar., Apr., 1947).

¹⁴ See the City Manager Directory, *Municipal Year Book*, 1947, pp. 484-496.

¹⁵ R. R. Renne, "Too Small to be Efficient?," *National Municipal Review*, Vol. 36, pp. 78-82 (Feb., 1947).

¹⁶ Elwyn A. Mauck, notes in *National Municipal Review*, Vol. 35, pp. 206, 321 (Apr., June, 1946), Vol. 36, p. 111 (Feb., 1947).

principally towns, which were operating under manager government by early 1947.¹⁷ In New Hampshire, Conway became the first town to adopt the provisions of an optional town-manager law enacted in 1929.¹⁸ The town of Cavendish, Vermont, adopted manager government; and in Connecticut the town of Windsor approved a manager charter in town meeting and authorized its submission to the 1947 session of the state legislature.¹⁹

Personnel Administration. A civil service system was established during the year for Kern county, California; and two New Jersey townships voted at the November election to adopt the provisions of the optional state civil service act. Arlington county, Virginia, adopted a retirement system for its employees.²⁰

III. FUNCTIONS

Public Works. In several instances, state legislatures conferred upon counties power to provide services of a public-works or related nature. In Mississippi and South Carolina, counties were authorized, along with certain other local-government units, to provide housing for veterans. Counties in those states may acquire housing facilities by purchase or construction, or may cooperate in housing projects with local housing authorities or with the federal government. The Mississippi law authorizes the provision of transportation where necessary to enable veterans to make proper use of the housing facilities provided. A special session of the Ohio legislature appropriated six million dollars for allocation to the counties of the state, on the basis of population, as a county veterans housing fund. This fund, which may be supplemented by contributions from political subdivisions of the county, from the federal government, or from private sources, is to be used by the county commissioners to provide temporary emergency housing for rental to veterans and their families. Mississippi empowered county boards of education serving consolidated school districts to borrow money for the construction and equipment of a home for teachers.²¹

Virginia counties were authorized, individually or in groups, to create

¹⁷ See Grace L. Geer, "Council-Manager Government," *Municipal Year Book*, 1947, pp. 219-223; the City Manager Directory, *ibid.*, pp. 487-488.

¹⁸ Lashley G. Harvey, "First Break in New Hampshire," *National Municipal Review*, Vol. 35, pp. 521-524 (Nov., 1946).

¹⁹ Grace L. Geer, *loc. cit.*; H. M. Olmsted, note in *National Municipal Review*, Vol. 35, p. 532 (Nov., 1946).

²⁰ James M. Mitchell, "Personnel Developments in 1946," *Municipal Year Book*, 1947, pp. 101-106; Elwyn A. Mauk, note in *National Municipal Review*, Vol. 35, p. 436 (Sept., 1946); H. M. Olmsted, note in *ibid.*, p. 600 (Dec., 1946).

²¹ *Laws of Mississippi*, 1946, chs. 445, 467; *Legislative Acts and Joint Resolutions of Ohio*, 1945-46, p. 806; *Acts and Joint Resolutions of South Carolina*, 1946, p. 1737.

public corporate bodies for the establishment and operation of hospitals or health centers. The Kentucky legislature provided that counties may levy taxes for the acquisition of lands for permanent public forests. Lands so acquired are to be protected at all times from fire and grazing, and must be open to recreational use so far as such use does not interfere with use of the land to the best advantage as a forest. Other legislation empowered the counties of Kentucky to condemn land needed for flood-control purposes, and those of Virginia to establish county garbage-dumps.²²

Business Enterprises. Public familiarity with utilities and other enterprises operated by municipalities has tended to obscure the fact that similar undertakings conducted by counties are not unimportant. According to Census Bureau estimates, there were approximately 100 county-operated enterprises in 1945, with a total operating revenue of ten million dollars. More than half of the total revenue was from liquor dispensaries operated by 32 counties—7 in Maryland and 25 in North Carolina. Other county enterprises were estimated to include 32 airports, 22 water-supply systems, 5 electric light and power systems, and 9 toll bridges and miscellaneous projects.²³

Public Welfare. Little that was novel occurred during the year in the field of public welfare. Georgia counties were authorized, individually or jointly, to provide supervised recreation systems. Idaho was added to the list of states which empower counties to assist veterans, through a county service officer, in securing the benefits to which they are entitled under federal and state laws.²⁴

As a public-welfare institution, the county asylum or poorhouse long ago fell into general disrepute, and over the years many of these establishments have been abandoned. With the passage of the federal Social Security Act, it was widely assumed that this legislation would sound the death-knell of the poorhouse because of the provision that federal funds should not be available for assistance payments to aged or blind persons who were inmates of public institutions. It soon became evident, however, that a large percentage of the inmates of the county asylums were infirm or chronically ill persons who had no relatives or friends with whom they could live and who therefore required some sort of institutional care. While the asylums of some additional counties were closed during the 1930's, the impact of the federal program upon the county institution was much less noticeable than had been commonly anticipated, and a large majority of the asylums, over the country as a whole, remained open. During recent years, some states

²² *Acts of Kentucky*, 1946, chs. 93, 220; *Acts of Virginia*, 1946, chs. 132, 344.

²³ United States Bureau of the Census, *County Finances: 1945* (Preliminary Summary), July, 1947.

²⁴ *Acts and Resolutions of Georgia*, 1946 (adjourned sess.), p. 152; *General Laws of Idaho*, 1946 (1st extra sess.), ch. 27.

have wisely taken steps designed to transform the traditional poorhouse, with all its shortcomings, into a modern nursing home intended primarily for the care of chronically ill persons. Illinois, for example, enacted in 1945 legislation permitting recipients of old-age assistance and pensions for the blind to purchase care in county-maintained institutions, provided that those institutions meet the approval of the state public aid commission. Since the federal government will not participate in assistance payments to institutional inmates, the full amount of payments made to such persons must, of course, come from state funds. To qualify for state approval, a county home must meet prescribed standards with respect to structure, absence of fire hazards, sanitation, equipment, and facilities for medical care. County boards have thus been encouraged to convert their poorhouses into modern institutions, usually called nursing homes or by some similar name, which are fully equipped to provide for the welfare and comfort of infirm and chronically ill patients. Three classes of patients receive identical care in these homes: (1) indigent persons whose care is paid for from ordinary poor-relief funds; (2) old-age and blind pensioners who pay for their care from these public grants; and (3) persons with private means who pay for their own care. By September, 1946, 12 of the state's 72 county asylums had been converted into state-approved nursing homes and more than 30 others were in process of conversion.²⁵

Planning and Regulatory. Louisiana authorized the establishment of parish planning commissions charged with preparing and adopting master plans for the physical development of unincorporated areas. When a master plan has been adopted for any parish, no street, public building, park, or public utility may be constructed or authorized until the planning commission's approval has been secured or its disapproval has been overruled by a two-thirds vote of the parish governing body. Kentucky counties and Rhode Island towns were empowered to adopt and enforce zoning regulations for the protection of approaches to airports. Fulton county (Atlanta), Georgia, was authorized to adopt regulations for fire prevention in unincorporated areas, and for the protection of lives and property in such areas against loss by fire. To this end, the county is empowered to "lay out and define zones in unincorporated areas, and regulate the type of construction and the materials with which buildings may be constructed in said zones, which regulations may vary between one zone and another." Regulations may be prescribed governing the storage of inflammable materials and explosives, and a fire marshal may be appointed to enforce the various regulations. Rhode Island town councils were empowered to enact ordinances for the regulation of air pollution.

²⁵ Raymond M. Hilliard, "The Emerging Function of Public Institutions in Our Social Security Structure," *Social Service Review*, Vol. 20, pp. 479-493 (Dec., 1946). Of the 102 Illinois counties, two have never maintained poorhouses and 28 closed their institutions between 1932 and 1945.

Such ordinances are to be designed to eliminate or control the emission of dense smoke from buildings, engines, or motor vehicles, or the escape or discharge into the air of cinders, dust, gas, steam, or noisome odors. The metropolitan Missouri counties of St. Louis and Jackson were authorized to make public health regulations not in conflict with state health rules.²⁶

Functional Consolidation. Coöperative performance of local functions by two or more governmental units continues to gain in favor, and during 1946 there were several instances of legislative authorization of such coöperation. Missouri enacted legislation implementing the new constitutional provision which authorizes two or more counties, up to ten in number, to join in the performance of any common function or service. In Kentucky, where Jefferson county and the city of Louisville have for several years operated a joint health department, the legislature authorized two additional city-county projects on the part of those units. One of these is a joint city-county board of public welfare to combine the welfare functions presently performed by the county and city governments, respectively. The board will be composed of five members—two appointed by the county judge, two by the mayor of Louisville, and the fifth chosen by these four. The board is empowered to make necessary rules and regulations for carrying on its activities, and to appoint, on the basis of training, ability, and experience, a director of public welfare to serve as administrative officer of the board. The second authorization provides that the city and county may acquire and operate a joint city-county building, to be used for any governmental purpose in which either unit or both may be engaged. Still another Kentucky statute provides that counties may join with third-class cities situated therein in the establishment and operation of a market place for the marketing, by producers, of agricultural and dairy products.²⁷

The Louisiana constitution was amended to empower the legislature to create a recreation and park commission to serve the whole of East Baton Rouge parish, including the city of Baton Rouge.²⁸ Georgia counties were authorized to join with municipalities in providing supervised recreation systems; and the Virginia legislature provided that counties may act jointly with each other or with municipalities in the acquisition and operation of airports.²⁹ In Illinois, three bi-county health departments and one four-county department were established through local referenda.

²⁶ *Acts and Resolutions of Georgia*, 1946 (adjourned sess.), p. 138; *Acts of Kentucky*, 1946, ch. 49; *Acts of Louisiana*, 1946, no. 319; *Laws of Missouri*, 1945, p. 974; *Acts and Resolves of Rhode Island*, 1946, pp. 189, 242.

²⁷ *Acts of Kentucky*, 1946, chs. 24, 199, 211; *Laws of Missouri*, 1945, p. 1395.

²⁸ *Acts of Louisiana*, 1946, no. 387; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 35, p. 615 (Dec., 1946).

²⁹ *Acts and Resolutions of Georgia*, 1946 (adjourned sess.), p. 152; *Acts of Virginia*, 1946, ch. 220.

IV. FINANCE

With the end of the war, rural local units, like the states and cities, were faced with the necessity of increased expenditures. Capital outlays, delayed during the war years because of the dearth of labor and materials, are in many instances becoming urgent, and although some units have accumulated postwar reserve funds for such purposes,²⁰ the amounts of those funds are generally small in comparison with needs. The rise in the price level has also been an important factor in compelling increases in public expenditures. Rising expenditures have in turn necessitated increases in revenues and additional borrowings.

Revenue and Taxation. The Georgia statutes were amended to enlarge county taxing powers. New or higher levies were authorized for a large variety of specific purposes including public health, poor relief, agricultural and home-demonstration agents, forest-fire protection, airports, parks, libraries, pensions for county employees, and social security payments to the aged, the blind, and dependent children. Troup county was empowered, by a special act, to levy license and occupation taxes on business enterprises carried on in unincorporated areas. In Missouri, the legislature granted increased taxing power to Jackson and St. Louis counties for hospital purposes, and to all counties for public-health purposes. Other county rates in that state may be increased, for a period of four years, by referendum vote. Mississippi counties were authorized to lease for oil, gas, and mineral exploration and development all county-owned lands and any lands conveyed by the county to the state for park purposes with mineral rights reserved.²¹

New York enacted a significant law providing for annual state grants to towns, as well as to cities and villages, for the support of local government and the reduction of local real estate taxes. In the rural counties of the state, these grants are to be made on a population basis and paid to the respective county treasurers for apportionment to the cities, towns, and villages. The grants are to be paid to the local units in quarterly installments and placed in their general funds.²²

Borrowing. The power of Louisiana parishes to borrow for the construction of public works and buildings was enlarged to include several types of projects not previously covered. Among the projects newly included are auditoriums, coliseums, stadiums, and buildings for agricultural and livestock exhibitions. Kentucky counties were authorized, along with the state government and other political subdivisions, to issue revenue bonds

²⁰ See this REVIEW, Vol. 38, pp. 1106-1107; Vol. 41, p. 41.

²¹ *Acts and Resolutions of Georgia*, 1946 (adjourned sess.), pp. 18, 87; *Laws of Mississippi*, 1946, chs. 185, 242; *Laws of Missouri*, 1945, pp. 970, 986, 1778.

²² *Laws of New York*, 1946, ch. 301. Basic annual per capita grants are fixed at \$6.75 for cities, \$3.55 for towns, and \$3.00 for villages.

for financing the acquisition and construction of public projects. The term "public project" is broadly defined to include "any lands, buildings or structures, works, or facilities suitable for and intended for use as public property for public purposes or suitable for and intended for use in the promotion of the public health, public welfare, or the conservation of natural resources."³³

V. HOME RULE AND OPTIONAL CHARTERS

Missouri's new constitution confers home-rule powers upon counties of more than 85,000 population.³⁴ At present there are four such counties in the state—Buchanan (St. Joseph), Greene (Springfield), Jackson (Kansas City), and St. Louis—and in three of these interest has already been displayed in the possibility of securing home-rule charters. In Jackson county, where the movement has the support of the League of Women Voters and various other civic organizations, petitions are being circulated for the appointment of a charter commission. In St. Louis county, the committees of both major political parties have endorsed the charter movement; and there is some interest in the plan in Buchanan county.³⁵

The Missouri constitution also provides that counties shall be divided into not more than four classes and that alternative forms of government may be provided for the counties of any class. In compliance with the classification mandate, a statute was enacted which divides the state's 114 counties into four classes on the basis of assessed valuation. Class I is composed of the two metropolitan counties of St. Louis and Jackson, and Class II of the three other urban counties of Buchanan, Greene, and Jasper (Joplin). The latter county does not yet fall within the home-rule group, but may reach the required 85,000 population by the 1950 census. Class III includes 77 counties, while Class IV is composed of 32 counties—principally in the Ozark region—having assessed valuations of less than 10 million dollars.³⁶ Despite the classification measure, no alternative forms of county government were provided. Bills to provide three alternative forms for fourth-class counties were approved by the house of representatives, but failed of passage in the senate.

In Montgomery county, Maryland, the better-government forces renewed their fight for a home-rule manager charter. Notwithstanding the defeat of such a charter at the polls in 1944,³⁷ the citizens voted at the

³³ *Acts of Kentucky*, 1946, ch. 126; *Acts of Louisiana*, 1946, no. 69.

³⁴ See this *REVIEW*, Vol. 39, p. 1116.

³⁵ Information supplied by Dean William L. Bradshaw, School of Business and Public Administration, University of Missouri.

³⁶ Estal E. Sparlin, "Missouri Counties Streamlined," *National Municipal Review*, Vol. 35, pp. 337-343 (July, 1946).

³⁷ See this *REVIEW*, Vol. 39, p. 1111.

1946 election to choose a new charter commission to draft a charter for submission in 1948.³⁸

VI. INTERGOVERNMENTAL RELATIONS

The tendency toward increased coöperation among governmental agencies at all levels continued, together with an inclination of state legislatures to encourage that trend. New York's provision for state financial aid to town governments has already been noted.³⁹ The legislature of that state also authorized state aid to counties and cities for the care of tuberculosis patients. Missouri enacted two state-aid measures applicable to counties. One of these authorizes a program of state grants to counties for the improvement of county roads used as milk routes, mail routes, and school-bus routes. Under the other act, counties may obtain state-aid funds to assist in the building of airports.⁴⁰

Counties of Mississippi and South Carolina were authorized to coöperate with local housing authorities and with the state and federal governments in providing housing for war veterans. Louisiana provided that the state department of public works may act as agent for parishes and other local units in securing federal aid for airports; while county governing bodies in Kentucky were authorized to coöperate with the state division of forestry in county-wide programs for the prevention and control of forest fires. The New York State superintendent of public works was empowered, when authorized by the governor, to enter into contracts with counties, towns, or municipalities to assist the local units in the control of ice and snow during emergency situations.⁴¹

The soil conservation district program continued to afford the most extensive example of federal-state-local coöperation in rural areas. Local soil conservation districts established under state law receive assistance from both state and federal governments and sometimes from county governments as well. All 48 states now have soil conservation district laws or similar legislation.⁴² By September 15, 1946, farmers and ranchers in the various states had organized nearly 1,700 soil conservation districts under these statutes. Embraced within these districts were more than 900 million acres of land constituting four million farms—two-thirds of all the farms in the country. Most of the districts had entered into "memoranda

³⁸ Elwyn A. Mauck, note in *National Municipal Review*, Vol. 85, p. 616 (Dec., 1946).

³⁹ *Supra*, "Revenue and Taxation."

⁴⁰ *Laws of Missouri*, 1945, pp. 1315, 1471; *Laws of New York*, 1946, ch. 999.

⁴¹ *Acts of Kentucky*, 1946, ch. 204; *Acts of Louisiana*, 1946, no. 207; *Laws of Mississippi*, 1946, ch. 467; *Laws of New York*, 1946, ch. 305; *Acts and Joint Resolutions of South Carolina*, 1946, p. 1737.

⁴² See this *REVIEW*, Vol. 41, p. 29.

of understanding" with the United States Department of Agriculture which would enable them to receive assistance from the federal Soil Conservation Service. The Service was also assisting 21 grass conservation districts, 11 wind-erosion districts, and an irrigation district, which together embraced approximately 15 million acres and some 17,000 farms. A program of practical research being conducted coöperatively by the Soil Conservation Service and state agricultural experiment stations is designed to develop and improve soil and water conservation practices.⁴³

⁴³ *United States Government Manual* (Division of Public Inquiries, Government Information Service, Bureau of the Budget, Washington), first 1947 edition, pp. 301-303. For a recent discussion of intergovernmental relationships in the soil conservation district program, see Herman Walker, Jr., and W. Robert Parks, "Soil Conservation Districts: Local Democracy in a National Program," *Journal of Politics*, Vol. 8, pp. 538-549 (Nov., 1946).

TEN YEARS OF THE SUPREME COURT: 1937-1947*

I. FEDERALISM

DAVID FELLMAN

University of Wisconsin

I

The net result of ten years of extraordinary activity is that the Supreme Court has gone a long way toward squaring the legal concept of American federalism with the intent—and, it is tempting to add, the plain language—of the Constitution. The most important thing that has happened is that the Court has snuffed out the heresy of “dual federalism.” This subtle weapon of *laissez-faire* economics was utilized at a fairly early date, notably in the two child labor cases, to strike down federal reform legislation, but it achieved great weight, which comes with reiteration in important cases, during 1935 and 1936, when the Court was grimly determined to save the country from the horrors of the New Deal.¹ Briefly, the doctrine holds that the mere existence of states constitutes an independent limitation on the exercise of national powers. Thus, Justice Day asserted in the first child labor case: “The grant of authority over a purely federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the Tenth Amendment to the Constitution.”² This theory is inconsistent with the principle of federal supremacy, a principle which the present Court has restored to its proper place in American constitutional law. But, in sustaining a sweeping exercise of national power, the Court has by no means been unmindful of the proper status of

* A symposium arranged and edited by Robert E. Cushman, Cornell University. The complete symposium embraces six articles, but considerations of space require that only three be presented in the present issue. The remaining three—by Professors Robert J. Harris, Robert E. Cushman, and C. Herman Pritchett—will appear in February.

¹ *Hammer v. Dagenhart*, 247 U. S. 251 (1918); *Bailey v. Drexel Furniture Co.*, 259 U. S. 20 (1922); *Railroad Retirement Board v. Alton R. Co.*, 295 U. S. 330 (1935); *Schechter Poultry Corp. v. United States*, 295 U. S. 495 (1935); *United States v. Butler*, 297 U. S. 1 (1936); *Carter v. Carter Coal Co.*, 298 U. S. 238 (1936); *Ashton v. Cameron County Water Improvement District*, 298 U. S. 513 (1936). See E. S. Corwin, *The Twilight of the Supreme Court* (1934), Chap. 1, and *The Commerce Power versus State Rights* (1936), Chap. 5.

² *Hammer v. Dagenhart*, 247 U. S. at 274. Another good example of this sort of thinking is found in Justice Roberts' opinion in *United States v. Butler*, where he said (297 U. S. at 68) that the Court is not required to ascertain the scope of the power delegated to Congress to spend money to provide for “the general welfare of the United States,” because, “wholly apart from that question,” the Agricultural Adjustment Act “invades the reserved rights of the states.” The phrase, “wholly apart from that question,” begs the real question at issue.

the states in the Union. Furthermore, it is a mistake to assume that every growth of national power is at the expense of state power. While it is true that we have more government at the federal level today than ever before, we also have much more state government. A fuller exploitation by Congress of the powers committed to it by the Constitution has been matched by a fuller exploitation of the authority reserved to the states. The laments of losing litigants should not be taken as a correct assessment of the present position of the American states.

The teaching of the Supremacy Clause is that national policy, spelled out within the range of the delegated powers, is binding upon the states and their subdivisions as well as upon individuals and corporations. If states could escape the impact of national regulation because they are states, then by that measure the national government would not be supreme. So the Court ruled when it decided that a state, in selling timber located on school lands, was bound by the price ceilings authorized by the Emergency Price Control Act of 1942.³ An exemption in favor of the states, the Court pointed out, "might result in depriving Congress of ability effectively to prevent the evil of inflation at which the Act was aimed. The result would be that the constitutional grant of the power to make war would be inadequate to accomplish its full purpose. And this result would impair a prime purpose of the Federal Government's establishment." Similarly, to provide a site for a postoffice and custom-house, the United States may take, by eminent domain, land which is held in trust and used by a city for public purposes.⁴ The rule is the same where the federal government, in its control over navigation, builds a dam which floods land owned by a state, since "the fact that land is owned by a state is no barrier to its condemnation by the United States."⁵ Furthermore, if the federal project interferes with a local program for water development, the state must bow before the "superior power" of Congress.

Since "the policy of the federal Act is the prevailing policy in every state," a unanimous Court recently held that a state court may not refuse to enforce a penal law of the United States when required to do so.⁶ The notion that a state is no more obligated to enforce a federal penal law than it is to enforce a penal law of another state or a foreign country "flies in the face of the fact that the States of the Union constitute a nation," and

³ *Chase v. Bowles*, 327 U. S. 92 (1946). OPA regulations were also held applicable to sales by counties. *Hulbert v. Twin Falls County*, 327 U. S. 103 (1946). Justice Douglas, dissenting alone, expressed concern over "substantial intrusions on the sovereignty of the States." Justice Douglas seems to have emerged as the outstanding defender of the concept of "state sovereignty" in the present Court.

⁴ *United States v. Carmack*, 67 S. Ct. 252, (1946.)

⁵ *Oklahoma ex rel. Phillips v. Guy F. Atkinson Co.*, 318 U. S. 508, 534 (1941).

⁶ *Testa v. Katt*, 67 S. Ct. 810 (1947).

disregards the purpose and effect of the Supremacy Clause. On the other hand, where Congress has given a federal court exclusive jurisdiction over questions arising under a particular statute, no state court may interfere with its administration.⁷

The principle of federal supremacy was at the core of the decision in *Oklahoma v. United States Civil Service Commission*,⁸ which involved a section of the Hatch Act providing that "no officer or employee of a state or local agency whose principal employment is in connection with the federal activity which is financed in whole or in part by loans or grants from the United States or any federal agency shall . . . take any active part in the political management or in political campaigns." If the Commission, after a hearing, found that the facts warrant a removal, the state or local agency is notified, and if the removal is not made, the loans or grants from the federal government to the local agency are reduced. The Court said: "While the United States is not concerned and has no power to regulate local political activities of state officials, it does have power to fix the terms upon which federal allotments to states shall be disbursed. . . . The end sought by Congress through the Hatch Act is better public service by requiring federal agencies to administer funds for national needs to abstain from active political management. So even though the action taken by Congress does have the effect of restricting certain activities within the state, it has never been thought that such effect made the federal act invalid." The Court reached this conclusion in affirming the binding quality of a federal statute which required the land and rights of way in two national parks to a city, for electricity purposes, on the condition that no private interest be given the right to sell water or power derived from the grant.⁹ "The statutory condition 'does not represent an exercise of a general public policy in a State.'"

Decisions in the field of foreign relations have amplified federal supremacy. When the Soviet Union assigned all Russian claims against the United States to the United States (the Litvinov Assignment) and the United States moved to take over a deposit account in a Russian bank which had been among the assets of an expropriated Russian corporation, the Court held that whatever the policy of New York with regard to the enforcement of acts of confiscation, the deposit

⁷ *Bowles v. Willingham*, 321 U. S. 503 (1943). In conformity with Section 1 of the Judicial Code, and its policy of avoiding needless friction between state and federal courts, it is improper for a federal court to enjoin proceedings in a state court because the claim had previously been litigated in a federal court. *Touhy v. R. F. Stearns & Co.*, 314 U. S. 118 (1941), overruling as "a sporadic, ill-considered decision," *Supreme Tribe of Ben Hur v. Cauble*, 255 U. S. 356 (1921). Or see also *Beal v. Missouri Pacific R. Corp.*, 312 U. S. 45 (1941); *Watson v. American Legion*, 312 U. S. 387 (1941).

⁸ 67 S. Ct. 544 (1947).

⁹ *United States v. San Francisco*, 310 U. S. 16 (1940).

to the United States.¹⁰ "Plainly," Justice Sutherland asserted, "the external powers of the United States are to be exercised without regard to state laws or policies. . . . In respect of all international negotiations and compacts, and in respect of our foreign relations generally, state lines disappear." So also, when Congress enacted the Alien Registration Act in 1940, it intended to preempt the field and establish one uniform national registration system, thus nullifying a state alien registration law.¹¹ Furthermore, the Court recently ruled that title to land underlying the Pacific Ocean extending seaward three nautical miles from the ordinary low watermark is in the national government, not the state.¹² It was noted that the political agencies of the nation "both claim and exercise broad dominion and control over our three-mile marginal belt," and this assertion of national dominion is binding upon the Court. The protection and control of this belt "has been and is a function of national external sovereignty."

On the other hand, the Court is unwilling to invalidate state action when its impact upon matters of federal concern is not substantial. The New York Civil Rights Law, which provides, under penalty, that no labor organization shall deny a person membership or equal treatment by reason of race, color, or creed, was held applicable to an association of postal clerks of the United States railway service, whose rules limited membership to whites and native American Indians.¹³ There was no interference with the mail service or the power of the government to conduct it. The New York labor law, as applied to a contractor building a postoffice on land ceded by the state to the United States, was declared valid, since the law did not interfere with any national purposes or interests.¹⁴ Similarly, the Court found that a state price-fixing law for milk may be applied to a dairy having a contract with a federal military establishment located on land owned by the state, in the absence of any congressional expression of policy on the subject, since whatever burdens there may be on the federal government are but "the normal incidents of the operation within the same territory of a dual system of government."¹⁵ But a different result was reached where a state attempted to enforce its milk price control law against a dairy selling to a military post located on land which had been ceded to the United States, and over which it therefore had exclusive jurisdiction.¹⁶

¹⁰ *United States v. Belmont*, 301 U. S. 324 (1937). To the same effect is *United States v. Pink*, 315 U. S. 203 (1942).

¹¹ *Hines v. Davidowitz*, 312 U. S. 52 (1941).

¹² *United States v. California*, 67 S. Ct. 1658 (1947).

¹³ *Railway Mail Assoc. v. Corsi*, 326 U. S. 88 (1945).

¹⁴ *James Stewart & Co. v. Sadrakula*, 309 U. S. 94 (1940).

¹⁵ *Penn Dairies, Inc. v. Milk Control Comm. of Penna.*, 318 U. S. 261, 271 (1943).

¹⁶ *Pacific Coast Dairy v. Department of Agriculture*, 318 U. S. 285 (1943). Nor may a state require licenses from liquor dealers in a national park which has been

On jurisdictional questions involving the right of states to sue and their liability to suit in courts beyond their control, the Court has taken a position favorable to the states. It has ruled that a state may bring an action in behalf of its people against a group of railroads under the Clayton Act, since the state is a "person" within the meaning of Section 16 of the Act, and there is no reason why a state should be restricted to suits brought for the protection of its own proprietary interests.¹⁷ "Suits by a State, *parens patriae*, have long been recognized. . . . Georgia as a representative of the public is complaining of a wrong which, if proven, limits the opportunities of her people, shackles her industries, retards her development, and relegates her to an inferior economic position among her sister States. These are matters of grave public concern in which Georgia has an interest apart from that of particular individuals who may be affected. Georgia's interest is not remote; it is immediate."

Conversely, the Court has construed the Eleventh Amendment strictly in favor of the states in suits brought against them in the federal courts. The mere fact that a state has consented to suits against itself in its own courts, for the recovery of taxes, does not mean that it has also consented to suit in the federal courts.¹⁸ "When a state authorizes a suit against itself to do justice to taxpayers who deem themselves injured by any exaction, it is not consonant with our dual system for the federal courts to be astute to read the consent to embrace federal as well as state courts." When dealing with the "sovereign exemption from judicial interference in the vital field of financial administration, a clear declaration of the state's intention to submit its fiscal problems to other courts than those of its own creation must be found." It follows that where a provision in a state law permits suit to recover taxes paid under protest "in any court of competent jurisdiction," it does not authorize suit in a federal court because consent has not been indicated with sufficient clarity.¹⁹ And the fact that the state's attorney-general argued a case at the trial level on its merits, without raising the jurisdictional issue, does not constitute a waiver of the state's immunity; for such is the compelling force of the policy of the

ceded by the state to the federal government. *Collins v. Yosemite Park and Curry Co.*, 304 U. S. 518 (1938).

¹⁷ *Georgia v. Pennsylvania R. Co.*, 324 U. S. 439 (1945). Four justices dissented, arguing that as to the Clayton Act the federal government is *parens patrias*, not the states. See also *Georgia v. Evans*, 316 U. S. 159 (1942), holding that a state may sue for triple damages under the Sherman Act.

¹⁸ *Great Northern Life Ins. Co. v. Read*, 322 U. S. 47 (1944). Three judges dissented, taking the view that the majority opinion "derives from an excessive regard for formalism," and departs from the whole modern trend in favor of suability.

¹⁹ *Kennecott Copper Corp. v. State Tax Comm. of Utah*, 327 U. S. 573 (1946).

Eleventh Amendment that the Supreme Court will consider the issue, even though it is raised there for the first time.²⁰

In a broader sense, the present Court has tried to avoid using the general language of the Constitution, and particularly that of the Fourteenth Amendment, to compress state power within federally defined limits. In a very recent case upholding the constitutionality of the New York "blue ribbon" jury system, the Court emphasized the fact that basically the administration of justice is a local responsibility, and it refused to use the "cryptic words" of the Fourteenth Amendment "to impose uniform procedures upon the several states."²¹ Justice Jackson declared that the Court's policy has been one of self-restraint, and that it "will not use this great centralizing Amendment to standardize administration and stagnate local variations in practice." Similarly, the Court recently reaffirmed the rule of the *Twining* case,²² that self incrimination, in the form of comment on the failure of a defendant to testify in his own behalf, is outside the scope of both the privileges and immunities and due process clauses of the Fourteenth Amendment.²³ Justice Reed asserted that this interpretation "accords with the constitutional doctrine of federalism by leaving to the states the responsibility of dealing with the privileges and immunities of their citizens except those inherent in national citizenship. . . . It is the construction placed upon the amendment by justices whose own experience had given them contemporaneous knowledge of the purposes that led to the adoption of the Fourteenth Amendment. This construction has become embedded in our federal system as a functioning element in preserving the balance between national and state power." In other words, the present Court has continued the tradition, in this and other cases,²⁴ of holding that the Fourteenth Amendment was

²⁰ *Ford Motor Co. v. Department of Treasury of Indiana*, 323 U. S. 459 (1945). This tenderness for the states is in contrast with the present Court's more general tendency of looking with disfavor upon claims to immunity from suit, even on the part of federal agencies. See *Keifer & Keifer v. R.F.C.*, 306 U. S. 381 (1939); *Federal Housing Administration v. Burr*, 309 U. S. 242 (1940). This is also reflected in the Federal Tort Claims Act, Title IV of the Legislative Reorganization Act of 1946. See "Government Tort Liability," *Law and Contemporary Problems*, Vol. 9, pp. 179-370 (1942). Where the United States itself has consented to be sued, however, the terms of this consent are interpreted strictly in favor of the United States. *United States v. Sherwood*, 312 U. S. 584 (1941).

²¹ *Fay v. New York*, 67 S. Ct. 1613, 1631 (1947).

²² *Twining v. New Jersey*, 211 U. S. 78 (1908).

²³ *Adamson v. California*, 67 S. Ct. 1672 (1947).

²⁴ See *Madden v. Kentucky*, 309 U. S. 83 (1940), overruling *Colgate v. Harvey*, 296 U. S. 404 (1935); *Hague v. C.I.O.*, 307 U. S. 496 (1939); *Snowden v. Hughes*, 321 U. S. 1 (1944); *Screws v. United States*, 325 U. S. 91 (1945); *Breedlove v. Suttles*, 302 U. S. 277 (1937); *Edwards v. California*, 314 U. S. 160 (1941); *United*

not intended to alter the basic pattern of American federalism. The Court also continues to adhere to the view that the due process clause of that amendment did not absorb all of the guarantees of the first eight, but only those which are "of the very essence of a scheme of ordered liberty."²⁵

While the national and state governments are, for some purposes, separate and distinct entities,²⁶ the Court has supported the current drift toward "coöperative federalism," according to which it is possible for the national and local authorities to work together in the solution of common problems. These governments, in this view, are not necessarily antagonistic units dealing with each other at arm's length, as is customary among sovereign national states. One important recent example of "coöperative federalism" is found in the Court's validation of the Ashurst-Sumners Act of 1935, which forbids the shipment of goods made by convict labor into any state where the goods are to be possessed, sold, or used contrary to its laws.²⁷ Congress may shape its policy in the light of the fact that the transportation in question, if permitted, will aid in the frustration of valid state laws. Another example is the decision which sustained the Municipal Bankruptcy Act of 1937, which authorizes the political subdivisions of a state, with the latter's consent, to seek relief under the federal bankruptcy power.²⁸ Far from invading state sovereignty, the statute confirmed it, since "it is of the essence of sovereignty to be able to make contracts

States v. Classic, 313 U. S. 299 (1941). See M. R. Konvitz, *The Constitution and Civil Rights* (1947), Chap. 8.

²⁵ *Palko v. Connecticut*, 302 U. S. 319, 325 (1937). Compare *Louisiana ex rel. Willie Francis v. Resweber*, 67 S. Ct. 374 (1947), with *Chambers v. Florida*, 309 U. S. 227 (1940), and *Johnson v. Zerbst*, 304 U. S. 458 (1938), with *Betts v. Brady*, 316 U. S. 455 (1942), and *Foster v. Illinois*, 67 S. Ct. 1716 (1947).

²⁶ Thus is it not improper, in a federal trial for using the mails to defraud, to admit testimony previously given by the defendant in supplementary proceedings in a state court under a statute granting immunity. *Feldman v. United States*, 322 U. S. 487 (1944). This is an interesting variation on the rule of *Ponzi v. Fessenden*, 258 U. S. 254 (1922), that federal incarceration is no bar to trial in a state court, and the rule of *United States v. Murdock*, 284 U. S. 141 (1931), which holds that one may not decline to testify in federal court on the ground that it may incriminate him under state law.

²⁷ *Kentucky Whip & Collar Co. v. Illinois Central R. Co.*, 299 U. S. 334 (1937). This case carried forward the doctrine of *Whitfield v. Ohio*, 297 U. S. 431 (1936). See J. E. Kallenbach, *Federal Cooperation with the States under the Commerce Clause* (1942).

²⁸ *United States v. Bekins*, 304 U. S. 27 (1938). The Court previously invalidated the 1934 version of the same statute in *Ashton v. Cameron County Water Improvement Dist.*, 298 U. S. 513 (1936). Since the two statutes were practically identical, a curious feature of the *Bekins* case was that instead of overruling the earlier decision, the Court made a feeble effort at distinguishing them. A year ago, however, Justice Rutledge remarked, in *Prudential Ins. Co. v. Benjamin*, 328 U. S. 408, 433, note 42 (1946), that the *Ashton* case "may be said in effect to have been overruled" by the *Bekins* case.

and to give consents." And the Court added: "Nor did the formation of an indestructible Union of indestructible States make impossible coöperation between the Nation and the States through the exercise of the power of each to the advantage of the people who are citizens of both."

Still another conspicuous example of federal-state coöperation in a common plan is found in the unemployment compensation section of the Social Security Act of 1935, under which the national government allows a ninety per cent credit to employers who pay state taxes to a state unemployment insurance system which meets certain federal standards, and under which the federal government pays the state's administrative expenses. The Court held that the statutory scheme does not coerce the states in the constitutional sense, for it is incorrect to confuse motive with coercion, and to say that since they are tempted the states have been coerced.²⁹ The law is guided, Justice Cardozo noted, "by a robust common sense which assumes the freedom of the will as a working hypothesis," and not by "a philosophical determinism by which choice becomes impossible." In fact, the very circumstance that all states are brought into the plan means that the states which wish to have unemployment insurance are more and not less free to do so. Furthermore, the conditions which the state meets are not embodied in a contract, but in a statute which the state is at liberty to repeal. But granting *arguendo* that there is a contractual relationship, "even sovereigns may contract without derogating from their sovereignty."

II

A decision of immense significance for the whole pattern of national-state relations, and "in some respects one of the most remarkable in the Court's history,"³⁰ was handed down in 1938 in the case of *Erie Railroad Co. v. Tompkins*.³¹ This case overruled *Swift v. Tyson*,³² wherein the rule was established that in diversity of citizenship cases which involve issues of general commercial law—the question not being one of peculiarly local law and interest, and there being no state statute on the subject—the federal courts may determine for themselves what the law is, independently of the judge-made common law rules of the state. In other words, the Rules of Decision Act of 1789,³³ which directed the federal courts to follow "the laws" of the several states, was regarded not as a rule of imperative constitutional necessity, but as essentially one of comity. Speak-

²⁹ *Steward Machine Co. v. Davis*, 301 U. S. 548 (1937).

³⁰ Robert H. Jackson, *The Struggle for Judicial Supremacy* (1941), p. 272.

³¹ 304 U. S. 64. ³² 16 Pet. 1 (1842).

³³ "The laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply." Act of September 24, 1789, c. 20, §34, 1 Stat. 92., now §721 of the Revised Statutes.

ing for the Court, Justice Brandeis summarized the objections to the century-old rule of the *Tyson* case. He pointed out that it did not promote uniformity, as often alleged, since the state courts persisted in their own opinions on questions of common law, as they had a right to do. Furthermore, "the impossibility of discovering a satisfactory line of demarcation between the province of general law and that of local law developed a new well of uncertainties." Above all, "*Swift v. Tyson* introduced grave discrimination by non-citizens against citizens. It made rights enjoyed under the unwritten 'general law' vary according to whether enforcement was sought in the state or in the federal court; and the privilege of selecting the court in which the right should be determined was conferred upon the non-citizen. Thus, the doctrine rendered impossible equal protection of the law."³⁴ The Court held that, except in matters governed by the Constitution or acts of Congress, the law which should be applied in any diversity case is the law of the state, and that whether the law is declared by its legislature in a statute or by its highest court in a decision, is not a matter of federal concern, "for there is no federal general common law." But Justice Brandeis was not content merely to argue that the Rules of Decision statute had been misconstrued by the courts; he went on to say that Congress "has no power to declare substantive rules of common law applicable in a State whether they be local in their nature or 'general,' be they commercial law or a part of the law of torts. And no clause in the Constitution purports to confer such a power upon the federal courts." Hence it follows that the rule of *Swift v. Tyson* is not merely mistaken, but also unconstitutional, since it invades the reserved powers of the states. While the point made by Justice Reed, in his concurring opinion, that the Court was unnecessarily foreclosing an issue of constitutional power, is a cogent one, the Court is now firmly attached to the new position. An important element of state power was decisively reaffirmed.

Decisions since 1938 have contributed a considerable gloss to the obligation of the federal courts to apply state-made common law in diversity cases. The Rules of Decision statute was quickly extended to include equity cases.³⁵ A federal circuit court, upon appeal from a judgment of a district court, must apply the law declared by the highest court of the state, as of the time when the appeal is disposed of, not as of the time when the judg-

³⁴ The consequences following from the fact that a party could shop around for a rule of law were dramatically illustrated in *Black & White Taxicab Co. v. Brown & Yellow Taxicab Co.*, 276 U. S. 518 (1928). Justice Holmes wrote a vigorous dissenting opinion, in which he maintained that parties are not entitled to any independent judgment on matters of general law because there is no such "transcendental body of law outside of any particular State." Another noteworthy dissenting view was expressed by Justice Field in *Baltimore & Ohio R. Co. v. Baugh*, 149 U. S. 368, 390 (1893).

³⁵ *Ruhlin v. New York Life Ins. Co.*, 304 U. S. 202 (1938).

ment below was entered.³⁶ "Until such time as a case is no longer *sub judice*, the duty rests upon federal courts to apply state law under the Rules of Decision statute in accordance with the then controlling decision of the highest state court. Any other conclusion would but perpetuate the confusion and injustices arising from inconsistent federal and state interpretations of state law."³⁷ Furthermore, while the highest state court is the final authority on state law, it is the duty of federal courts, where state law supplies the rule of decision, to ascertain and apply that law even if it has not been expounded by the state's highest court; an intermediate court is an organ of the state, and in the absence of more convincing evidence of what the state law is, it should be followed by a federal court in deciding a state question.³⁸ Nor may a federal court decline to exercise its jurisdiction on the ground that the decision turns on rules of state law which are uncertain or difficult to determine; the *Tompkins* case did not free the federal courts from the duty of deciding questions of state law in diversity cases, but, on the contrary, placed upon them a greater responsibility for determining and applying that law.³⁹

There are, however, some exceptions to the rule of the *Tompkins* case, and to some extent it may be said that there still is a sort of federal common law. In suits brought under a federal statute or involving the interpretation or application of a federal statute, federal courts do not act as state courts, in diversity cases, and are therefore independent of state rules. Thus, where the defense to a suit for alleged breach of the price-maintenance provisions in a patent-license contract is the invalidity of the patent under the Sherman Act, the issue must be decided without reference to the state rule of estoppel; for the doctrine of the *Tompkins* case is "inapplicable to those areas of judicial decision within which the policy of the law is so dominated by the sweep of federal statutes that legal relations which they affect must be deemed governed by federal law having its source in those statutes, rather than by local law."⁴⁰

³⁶ *Vandenbark v. Owens-Illinois Glass Co.*, 311 U. S. 538 (1941); *Huddleston v. Dwyer*, 322 U. S. 232 (1944). See also *Wichita Royalty Co. v. City National Bank*, 306 U. S. 103 (1939); *Moore v. Illinois Central R. Co.*, 312 U. S. 630 (1941).

³⁷ *Vandenbark v. Owens-Illinois Glass Co.*, 311 U. S. at 543.

³⁸ *Fidelity Union Trust Co. v. Field*, 311 U. S. 169 (1940). Here the Court held that the rulings of the New Jersey Court of Chancery must be followed, even though they are reviewable by the Court of Errors and Appeals. To the same effect are: *Six Companies of California v. Joint Highway District*, 311 U. S. 180 (1940); *West v. American Telephone & Telegraph Co.*, 311 U. S. 223 (1940); *Stoner v. N. Y. Life Ins. Co.*, 311 U. S. 464 (1940).

³⁹ *Meredith v. Winter Haven*, 320 U. S. 228 (1943). But in the absence of any relevant decision by the state courts, the Supreme Court will leave undisturbed an interpretation of purely local law by inferior federal courts. *MacGregor v. State Mutual Life Assurance Co.*, 315 U. S. 280 (1942).

⁴⁰ *Sola Electric Co. v. Jefferson Electric Co.*, 317 U. S. 173, 176 (1942). An inter-

Finally, the rule of the *Tompkins* case applies only to questions of substantive law and not to procedure. It is noteworthy that the new Federal Rules of Civil Procedure, adopted by the Supreme Court under statutory authorization, became effective September 16, 1938, four months after the *Tompkins* adjudication. The inconsistency between requiring conformity with local law as to substantive matters, while prescribing uniformity in procedure, is more apparent than real. The *Tompkins* rule is designed to make certain that two courts in the same jurisdiction will decide cases according to the same legal principles. At the same time, it is desirable that the federal courts should be free to control their own procedures, according to their own uniform rules, and their own conceptions of the fair and efficient administration of justice.⁴¹ The language of the Rules of Decision statute itself, it should be recalled, requires federal courts to follow state law "except where the Constitution, treaties, or statutes of the United States otherwise require or provide." This distinction, however, between substance and procedure, although justifiable, has created new uncertainties, for "in practice there is but a shadowy line" between them.⁴² The issue has already arisen, to cite an example, with reference to the method of pleading contributory negligence, as to which state courts differ. After some fumbling in the lower courts, the Supreme Court finally ruled that questions of the burden of proof relate to substantive rights and are therefore governed by state law.⁴³ The Court has also decided that conflicts of law rules⁴⁴ and statutes of limitations⁴⁵ are matters of substantive law. Recently the Court ruled that a state statute which denies to all state courts jurisdiction over a particular cause of action is substantive, and, if constitutional, prevents federal courts sitting in that state from exercising jurisdiction.⁴⁶

On the other hand, the Supreme Court has decided that Rule 35 of the new Rules of Civil Procedure, which provides that, in a suit in which the

esting application of this rule will be found in *United States v. Standard Oil Co. of Calif.*, 67 S. Ct. 1604 (1947). See Note, "Exceptions to *Erie v. Tompkins*: The Survival of Federal Common Law," *Harvard Law Review*, Vol. 59, p. 966 (July, 1946).

⁴¹ See Alexander Holtzoff, "The Federal Rules of Civil Procedure and *Erie Railroad Co. v. Tompkins*," *Journal of the American Judicature Society*, Vol. 24, p. 57 (Aug., 1940).

⁴² Charles E. Clark, "The *Tompkins* Case and the Federal Rules," *Journal of the American Judicature Society*, Vol. 24, pp. 158, 159 (Feb., 1941).

⁴³ *Cities Service Oil Co. v. Dunlap*, 308 U. S. 208 (1939); *Palmer v. Hoffman*, 318 U. S. 109 (1943).

⁴⁴ *Griffin v. McCoach*, 313 U. S. 498 (1941); *Klaxon Co. v. Stentor Electric Mfg. Co.*, 313 U. S. 487 (1941). The law of the forum must control.

⁴⁵ *Guaranty Trust Co. v. York*, 326 U. S. 99 (1945), as to equity cases; the rule is an old one for cases at law.

⁴⁶ *Angel v. Bullington*, 67 S. Ct. 657 (1947). Three justices thought that this was a matter of procedure.

physical or mental condition of a party is in controversy, the court may order him to submit to an examination by a physician, was within the authority granted by Congress to prescribe procedural rules for the United States District Courts in civil actions, and consistent with the limitation that the rules prescribed "shall neither abridge, enlarge, nor modify the substantive rights of any litigant."⁴⁷ If the rule really regulates procedure, then its importance is immaterial; otherwise, "we should invite endless litigation and confusion worse confounded."

The *Tompkins* case has greatly strengthened the position of the states in the American federal system, by heightening the stature of the state courts and in some measure lowering that of the inferior federal courts. "The essence of diversity jurisdiction," Justice Frankfurter recently reminded us, "is that a federal court enforces State law and State policy."⁴⁸ It has abolished the anomaly of two courts sitting in the same jurisdiction and dispensing justice according to different substantive rules of law.⁴⁹ It has brought within the ambit of the Rules of Decision statute the range of state law originally designed to be there.⁵⁰ It has removed the "well of uncertainties" arising from the necessity of drawing a line between general and local law. But since they must now distinguish between substance and procedure, the courts have stumbled upon another "well of uncertainties." It is, of course, not unusual in the history of law to discover that the price paid for the solution of one problem is the creation of a new one. The ever-growing flood of cases and law review articles dealing with the *Tompkins* rule indicates that, in the words of a distinguished scholar and judge, "it has suggested at least as many questions as it has answered."⁵¹

III

During the past ten years, the Supreme Court has given an unusual amount of attention to that hardy perennial of federalism, the problem of intergovernmental tax immunities. Nevertheless, though much progress has been made, the judges have not yet worked out a consistent theory

⁴⁷ *Sibbach v. Wilson & Co.*, 312 U. S. 1 (1941). Four justices dissented, apparently taking the view that not all of the new rules of procedure were procedural.

⁴⁸ *Angel v. Bullington*, 67 S. Ct. at 662.

⁴⁹ In 1814, Justice Bushrod Washington, sitting at circuit, used such strong words as "injustice," "absurdity," and "monstrous" to describe this anomaly. *Golden v. Prince*, 3 Wash. C. C. 313, 10 Fed. Cas. 542.

⁵⁰ Charles Warren, "New Light on the History of the Federal Judiciary Act of 1789," *Harvard Law Review*, Vol. 37, p. 49 (1923). Justice Brandeis attached a great deal of importance to this research. Warren discovered that Ellsworth's original draft of the Rules of Decision Act referred to both "the statute law" of the states and "their unwritten or common law," and that later on the whole statement was shortened by substituting for these two phrases the word "laws."

⁵¹ Charles E. Clark, "State Law in the Federal Courts; The Brooding Omnipresence of *Erie v. Tompkins*," *Yale Law Journal*, Vol. 55, pp. 267, 269 (Feb., 1946).

which all of them can accept. In one of the most recent cases, the only thing a majority of the Court agreed upon at all was the judgment; the six justices who made up the majority advanced three different theories in as many opinions, and two dissenting judges presented a fourth view.⁵² With respect to the state's power to tax national instrumentalities, a considerable measure of clarity has been achieved because of the relative simplicity of the doctrine of federal supremacy. This guarantees that the will of Congress prevails when expressed within the range of its delegated and implied powers. The initial inquiry, therefore, is to discover whether Congress has expressed its will; for Congress may endow the agencies which it creates with any legal qualities it wishes to, so far at least as the state's taxing power is concerned. Clearly, the states may tax any federal instrumentality with the consent of Congress.⁵³ Conversely, where Congress has expressly stipulated exemption from local taxation, such taxation is precluded. There is no case where local taxation of national instrumentalities has been sanctioned by the Court in the face of a specific exemption by Congress. Furthermore, the distinction between governmental and proprietary activities, which still applies to state functions, does not hold for those of the national government. No federal function has ever been held judicially to be other than governmental, even though comparable state functions have been construed to be proprietary in character. In 1939, the Supreme Court finally committed itself explicitly to the proposition that since the national government "derives its authority wholly from powers delegated to it by the Constitution, its every action within its constitutional power is governmental action, and since Congress is made the sole judge of what powers within the constitutional grant are to be exercised, all activities of government constitutionally authorized by Congress must stand on a parity with respect to their constitutional immunity from taxation."⁵⁴

From all this it follows that, apart from questions of statutory interpretation,⁵⁵ the major area of controversy is found in the rather large number of situations where Congress has been silent on the subject of immunity from local taxation. It is now clear that the silence of Congress is not necessarily either an invitation to tax or a prohibition of taxation; the real

⁵² *New York v. United States*, 326 U. S. 572 (1946).

⁵³ For an application of the well-established statutory rule that national banks are subject to non-discriminatory local taxation, see *Tradesmens National Bank v. Oklahoma Tax Comm.*, 309 U. S. 560 (1940). A recent example is the Public Salary Tax Act of 1939 (53 Stat. 574), which permits the non-discriminatory taxation of the salary of any federal officer or employee by the states. See also Public Law 279, 80th Cong., 1st Sess., c. 389, §§104-7.

⁵⁴ *Graves v. New York ex rel. O'Keefe*, 306 U. S. 466, 477 (1939).

⁵⁵ For examples, see *Pittman v. HOLC*, 308 U. S. 21 (1939); *Federal Land Bank v. Bismarck Lumber Co.*, 314 U. S. 95 (1941); *RFC v. Beaver County*, 328 U. S. 204 (1946).

criterion is found in considering "the nature and effect of the alleged burden."⁵⁶ Here is the area of creative decision.

In recent years, the Court has exhibited a laudable tendency to decide cases realistically, without regard to what Lincoln called "pernicious abstractions." Overturning a doctrine dating from 1842, and reaffirmed as late as 1937,⁵⁷ the Court ruled in 1939 that a federal employee was not free from the obligation of paying a non-discriminatory state income tax.⁵⁸ Since the immunity claimed by the taxpayer was not specified in a statute, the Court was of the opinion that none should be recognized, because the tax imposed no economic burden on the government. "The theory, which once won a qualified approval, that a tax on income is legally or economically a tax on its source, is no longer tenable." Whatever burden there may be is but the normal incident of a federal system, and if the government is affected in any indirect or incidental way, the burden "is one which the Constitution presupposes." Similarly, the Court once ruled that lessees of mines or oil wells on restricted Indian lands were immune from local occupation, capital stock, ad valorem, and income taxes, on the theory that they were federal instrumentalities.⁵⁹ In 1938, the Court overruled the earlier cases creating the immunity, holding that an income tax on the lessees of government lands, if "substance and direct effects" are considered, is not an unconstitutional burden on the lessor.⁶⁰ It has also sustained a non-discriminatory state privilege tax on gross receipts, an occupation tax on gross income, and a personal income tax on net income of contractors with the government.⁶¹ The Court thought that the burden of this taxation upon the federal government, if any exists at all, is remote and indirect, that the cost to the government is not inevitably increased, since the contractor may absorb the tax, and that in any event taxes should be reckoned as a part of the expense of doing the work. A state may also collect its unemployment insurance tax from one conducting a business in a national park, even though the federal Social Security Act

⁵⁶ *Graves v. New York ex rel. O'Keefe*, 306 U. S. at 480.

⁵⁷ *Dobbins v. Commissioner*, 16 Pet. 435; *New York ex rel. Rogers v. Graves*, 299 U. S. 401.

⁵⁸ *Graves v. New York ex rel. O'Keefe*, *supra*, note 54. To the same effect is *State Tax Comm. v. Van Cott*, 306 U. S. 511 (1939). Of course, with the enactment of the Public Salary Tax Act of 1939, this issue has been put to rest, so far as any problem of judicial construction is concerned.

⁵⁹ The principal case was *Gillespie v. Oklahoma*, 257 U. S. 501 (1922). The immunity was progressively whittled down through the discovery of exceptions and distinctions. For example, a tax on the lessee's buildings and machinery was sustained in *Taber v. Indian Territory Illuminating Oil Co.*, 300 U. S. 1 (1937).

⁶⁰ *Helvering v. Mountain Producers Corp.*, 303 U. S. 376.

⁶¹ *James v. Dravo Contracting Co.*, 302 U. S. 134 (1937); *Silas Mason Co. v. Tax Comm.*, 302 U. S. 186 (1937); *Atkinson v. State Tax Comm.*, 303 U. S. 20 (1938).

exempts "an instrumentality of the United States"; for one who conducts a private business under a lease with the government is not such an instrumentality.⁶² A state may levy its sales tax on the purchase of materials by contractors for use in performing cost-plus contracts with the United States.⁶³ A state may also apply its ad valorem personal property tax to a contractor's open account claim against the United States, since the claim is not a credit instrumentality of the federal government within the meaning of the constitutional immunity; the taxation of an unliquidated creditor's claim, unlike the taxation of interest-bearing bonds, will not affect or embarrass in any substantial measure the power of the United States to secure credit.⁶⁴

On the other hand, the Court has invalidated state taxation where it finds that there is a direct charge or burden on the federal government. A state inspection fee imposed on commercial fertilizers was held inapplicable to fertilizers distributed by the United States under the Soil Conservation and Domestic Allotment Act, for, since the fees were levied directly on the United States, they constitute a money exaction which is prohibited by the Supremacy Clause.⁶⁵ Since the freedom of federal functions from state control is "inherent in sovereignty," in the silence of the Congress, "the inherent freedom continues." A state may not tax sales of gasoline to army post exchanges, since, "as now operated," they "are arms of the Government deemed by it essential for the performance of governmental functions."⁶⁶ Nor may a state tax machinery leased to a war contractor, where title remained in the United States under a contract in which the government agreed to pay any tax which the contractor would be compelled to pay to any local government, the local definition of what constitutes realty being immaterial.⁶⁷ But local property taxes may be collected from one who buys realty from the United States under an executory contract of sale, according to which the fee title remains with the United States until the last instalment is paid, and under which the United States may repossess the property if the terms of the contract are not met.⁶⁸ Since the state law was authoritatively construed by the state

⁶² *Buckstaff Bath House Co. v. McKinley*, 308 U. S. 358 (1939).

⁶³ *Alabama v. King & Boozer*, 314 U. S. 1 (1941). The same rule was announced as to state use taxes in *Curry v. United States*, 314 U. S. 14 (1941). These cases overruled *Panhandle Oil Co. v. Mississippi*, 277 U. S. 218 (1928), and *Graves v. Texas Co.*, 298 U. S. 393 (1936). In *Wilson v. Cook*, 327 U. S. 474 (1946), the Court held that a state could constitutionally collect a severance tax on timber cut on a United States forest reserve under contract with the federal government.

⁶⁴ *Smith v. Davis*, 323 U. S. 111 (1944). "The assets of an independent contractor that are derived from the profits of a government contract stand in no preferred constitutional position so far as taxation is concerned. They, too, must bear their fair share of the tax burden."

⁶⁵ *Mayo v. United States*, 319 U. S. 441 (1943).

⁶⁶ *Standard Oil Co. of Calif. v. Johnson*, 316 U. S. 481, 485 (1942).

⁶⁷ *United States v. County of Allegheny*, 322 U. S. 174 (1944).

⁶⁸ *S. R. A. v. Minnesota*, 327 U. S. 558 (1946). A state may not tax lands ac-

court as not affecting the fee of the United States, "the paramount rights" of the federal government were fully protected.

As to the other side of this problem, the federal taxation of state instrumentalities, a considerable measure of confusion still remains. This is due largely to the fact that the judges have not yet agreed on the meaning of the puzzling concept, "state sovereignty." As a matter of fact, the states are not "sovereign" at all; to paraphrase Chief Justice Chase, a "sovereign union of sovereign states" is a contradiction in terms. So long as the judges insist, however, upon regarding the states as being, in some fashion, "sovereign," they will continue to discover some point where the impact of the national taxing power upon the states violates an immunity which is implied from their position in the federal union.

Some fifty years after the Court established the immunity of federal instrumentalities from state taxation,⁶⁹ the immunity was made reciprocal in *Collector v. Day*,⁷⁰ on the theory that "the exemption rests upon necessary implication, and is upheld by the great law of self-preservation." In the *Pollock* case,⁷¹ the immunity was extended to the interest derived from state and local bonds. Indeed, as late as 1932, the Court held that a lessee of state school lands, a private corporation engaged in business for profit, was immune from federal taxation.⁷² Since many of the exemptions were obviously unjustified—for the burden on government was wholly speculative, and often non-existent altogether—a process of distinction, limitation, and overruling has steadily reduced the area of immunity. There is not a great deal left today.

One of the great weapons used by the Court in this endeavor has been the rule of *South Carolina v. United States*,⁷³ that when a state enters "an ordinary private business" (liquor business in this instance), there can be no immunity, since only "governmental" as distinguished from "proprietary" state functions are beyond the reach of the national taxing power. Of course this distinction is as unknown to the Constitution as the immunity itself. The *South Carolina* rule is a difficult one to apply, however, since there is no agreed formula for distinguishing between "governmental" and "proprietary" functions. The cases suggest such tests as "strictly" governmental, "traditional," "usual," "indispensable," or "essential"—obviously rather vague terms. During the period under review, the Court ruled that a waterworks is a governmental function,⁷⁴ while on the other

quired by the United States for a housing project. *Cleveland v. United States*, 323 U. S. 329 (1945). Nor may it enforce a tax lien on land as long as the United States holds the title. *United States v. Alabama*, 313 U. S. 274 (1941).

⁶⁹ *McCulloch v. Maryland*, 4 Wheat. 316 (1819).

⁷⁰ 11 Wall. 113 (1870). Here Justice Bradley wrote a dissenting opinion the argument of which has never been improved upon.

⁷¹ *Pollock v. Farmers' Loan & Trust Co.*, 157 U. S. 429, 158 U. S. 601 (1895).

⁷² *Burnet v. Coronado Oil & Gas Co.*, 285 U. S. 393 (1932).

⁷³ 199 U. S. 437 (1905).

⁷⁴ *Brush v. Commissioner*, 300 U. S. 352 (1937).

hand, a college football contest is proprietary.⁷⁶ It would be interesting to see whether a Byzantine theologian could discover any genuine distinction between the two cases.

The whole problem of interpretation implicit in the South Carolina rule came to an extraordinary boil, in 1946, in *New York v. United States*.⁷⁶ Here the Court decided that the state of New York, in the sale of mineral waters taken from Saratoga Springs, owned and operated by the state, is not immune from a federal galloneage tax. New York had sought immunity on the ground that this was "a usual, traditional, and essential governmental function." The case was argued, and later reargued, before the Supreme Court by an unusually long and impressive list of lawyers, and forty-five states joined New York as *amici curiae*. Six judges concurred in the judgment of the Court and two dissented, and the variety of theories presented in four different opinions points up the confusion of thought still persisting in this branch of public law.

In an opinion which Justice Rutledge joined, Justice Frankfurter maintained that this case is clearly governed by the South Carolina precedent, since he could see "no reason for putting soft drinks in a different constitutional category from hard drinks." He reviewed the previous efforts of the Court to find an intelligible criterion for distinguishing between governmental and non-governmental functions, and concluded that the attempt has been a sterile one.⁷⁷ He felt that about all a court is prepared to do, or should do, is to inquire into the presence or absence of discrimination. This would not lead to the taxation of a statehouse or state tax income, because "these inherently constitute a class by themselves. Only a State can own a statehouse; only a State can get income by taxing. These could not be included for purposes of federal taxation in any abstract category of taxpayers without taxing the State as a State." In his concurring opinion, Justice Rutledge added that with the passing of the former broad immunity, before a federal tax is applied to activities carried on directly by the states, it might be wise to insist that "the intention of Congress to tax them should be stated expressly and not drawn merely from the general wording of the statute applicable ordinarily to private sources of revenue." He gravely doubted that when Congress taxed every "person" selling mineral water it intended to tax states.

⁷⁶ *Allan v. Regents*, 304 U. S. 439 (1938).

⁷⁷ 326 U. S. 572.

⁷⁷ Apart from the lack of any intelligible criterion, the distinction between "governmental" and "proprietary" functions is wholly illogical. How can a government ever act non-governmentally? But the problem goes beyond mere logic, for it is dangerous to make the concession that a state in some capacity may divest itself of the qualities which make it a state, and, in the language of the cases, become a "mere trader." If a state may shed its juristic quality, and become a private enterpriser, then it is free to act as one. The danger is not purely theoretical; see for example, *Heim v. McCall*, 239 U. S. 175 (1915).

In another concurring opinion, with which Justices Reed, Murphy, and Burton were in agreement, Chief Justice Stone argued that he was not prepared to say that the only test is whether or not the tax is discriminatory. Even a non-discriminatory tax, he maintained, may "so affect the State, merely because it is a State that is being taxed, as to interfere unduly with the State's performance of its sovereign functions of government."⁷⁸ For example, a non-discriminatory federal real estate tax (apportioned) or an income tax could hardly be applied constitutionally to the State's capitol, its statehouse, its public school buildings and parks, or its revenues from taxes and school lands. "If it be said that private citizens do not own statehouses or public school buildings or receive tax revenues, it may equally be said that private citizens do not conduct a State-owned liquor business or derive revenue from a State-owned athletic field." It is enough to say in this case that the subject of taxation has been "traditionally" within the national taxing power, that the tax bears alike upon states and citizens, and "does not unduly impair the State's functions of government."

Justice Douglas, with whom Justice Black concurred, wrote a dissenting opinion, the main point of which was that *South Carolina v. United States* should be overruled. He argued that "a State's project is as much a legitimate governmental activity whether it is traditional, or akin to private enterprise, or conducted for profit." If the Court adopts the rule that any federal tax on any state activity is valid unless it is discriminatory, "then a constitutional rule would be fashioned which would undermine the sovereignty of the States as it has been understood throughout our history." The balance between the nation and the states cannot rely for its protection on the will of a transient majority of Congress; the Constitution was designed to keep the balance "outside the field of legislative controversy." While it is true that upon entering the Union the states surrendered "some of their sovereignty," nevertheless "the Constitution is a compact between sovereigns," and "the power of one sovereign to tax another is an innovation so startling as to require explicit authority if it is to be allowed. If the power of the federal government to tax the States is conceded, the reserved power of the States guaranteed by the Tenth Amendment does not give them the independence which they have always been assumed to have. They are relegated to a more servile status."⁷⁹

⁷⁸ On this point, see James A. Maxwell, *The Fiscal Impact of Federalism in the United States* (1946), Chap. 16, and compare with *Federal, State, and Local Government Fiscal Relations*, 78th Cong., 1st Sess., Sen. Doc. 69, especially Chap. 4.

⁷⁹ Since the term "sovereignty" is one of the fuzziest in the whole vocabulary of public law, judges should, if they insist upon using it, define what they mean by it. Does Justice Douglas have in mind John Austin's conception of "sovereignty" or Harold Laski's, Daniel Webster's, or John C. Calhoun's? The statement, at this late date, that "the Constitution is a compact between sovereigns" seems to be a rather

The Court has also refused immunity where the tax imposes no demonstrable burden on the local government. This is illustrated in the refusal of the Court to regard as non-taxable independent contractors and other persons whose incomes are derived from some sort of contractual relationship with a local government.⁸⁰ Thus, immunity was denied a few years ago to persons employed by several states to liquidate insolvent banks and other corporations, their compensation being derived from the assets of the insolvent enterprises.⁸¹ Similarly, the Court has overruled earlier cases which established an immunity for lessees of state school lands, holding that it cannot be supported by "merely theoretical conceptions of interference with the functions of government," and that the effect upon the state is "indirect and remote."⁸²

It remains to be noted that the salaries of state and local officials and employees have been brought within the range of the federal taxing power. In *Helvering v. Gerhardt*,⁸³ the Supreme Court held that the salaries of several employees of the Port of New York Authority were taxable. The Court did not overrule *Collector v. Day*, as Justice Black urged in his concurring opinion, but it did limit that case very narrowly to its own facts. Setting forth "cogent reasons" for keeping the implied restrictions on the national taxing power at a minimum, the Court felt that the advantage to the state of holding these salaries tax-exempt is theoretical speculative, unsubstantial, and unnecessary for its continued existence. Finally, the last step was taken in the following year, in the *O'Keefe* case,⁸⁴ wherein *Collector v. Day* was specifically overruled. Here the Court refused to extend exemption from state taxation to an employee of the Home Owners' Loan Corporation. In the light of this, as well as other, recent decisions, the implied immunity of state and local employees collapsed altogether.

inaccurate and even irreverent gloss on a great deal of American history. The fact is that the scope of the doctrine of "state sovereignty," whatever that may mean, ends where valid federal power begins, if the Supremacy Clause has any meaning at all. Every power of the national government is necessarily an invasion of some right or power which the once-sovereign states had before the adoption of the Constitution. Is it not rather late in the day to say that a federal statute, coming within the range of delegated power, becomes invalid because it invades a "sovereignty" the invasion of which was essential if there was to be a national government in the first place?

⁸⁰ The leading case on this point is *Metcalf & Eddy v. Mitchell*, 269 U. S. 514 (1926).

⁸¹ *Helvering v. Therrell*, 303 U. S. 218 (1938).

⁸² *Helvering v. Mountain Producers Corp.*, 303 U. S. 376 (1938).

⁸³ 304 U. S. 405 (1938). Two judges took no part in the disposition of this case, one wrote a separate concurring opinion, and two dissented.

⁸⁴ *Graves v. New York ex rel. O'Keefe*, 306 U. S. 466 (1939). Justice Stone, who wrote the opinion in this case, took the lead in molding the law of intergovernmental tax immunities in its present form. See S. J. Konefsky, *Chief Justice Stone and the Supreme Court* (1945), Chap. 1.

II. SEPARATION AND DELEGATION OF POWERS

OLIVER P. FIELD

Indiana University

Montesquieu may have been inaccurate in his description of the English system of government of his time and a poor prophet of the developments that were to take place in it, but he certainly proved an excellent forecaster of one of the major trends in American political development. Montesquieu believed that in order to safeguard liberty it was necessary to separate the powers of government and to vest them in legislative, executive, and judicial departments. When the framers of the Constitution of the United States vested the legislative, the judicial, and the executive powers of government in the three departments, they were doubtless following the ideas of Montesquieu as well as generalizing from the hard experiences of early state and Confederation years.

The doctrine that a department to which certain powers of government have been assigned may not grant them to another department and thus frustrate the principle of the separation of powers is often called the doctrine of the delegation of powers. This doctrine is a corollary of the doctrine of the separation of powers. It might also be thought of as a sanction of that doctrine.

To think of the doctrines of separation and delegation of powers without reference to their qualifications may give one a misleading idea of both Montesquieu and the American system of government, and it is important to remember that Montesquieu himself introduced the idea of checks and balances in his formulation of the doctrine of the separation of powers. He also seems to have anticipated the charge that a rigid separation would be unworkable. Practical observer and reformer that he was, he saw the necessity for making it possible to have the legislative and executive branches of government work together, and he believed that in his proposed system of government he not only had protected liberty, but had made it easy for the government to function effectively. In his discussion of the constitution of England, he stated that: "These three powers should naturally form a state of repose or inaction. But as there is a necessity for movement in the course of human affairs, they are forced to move, but still in concert."

Whether or not Montesquieu would have accepted the contribution of the Supreme Court toward the effective functioning of a governmental system operating under the doctrine of the separation of powers is not a question of first importance, but it is an interesting example of the manner in which the Court molds constitutional doctrines in an effort to maintain the same balance between liberty and governmental efficiency that Montesquieu was attempting to maintain.

Constitutional maxims may often be more easily understood if they are restated in the reverse of their customary formulation. One might restate the principle of the delegation of powers in the following manner: a power that has been assigned to one department may be given by it to another department if only a sufficient number of strings are attached to the delegation. By reserving certain controls over the exercise of the delegated power, the granting department may reasonably be said merely to have sought the assistance of the receiving department in the task of executing the power in question, and seeking aid is not to be confused with a surrender of a power. The Supreme Court seems to have taken this view of the doctrine, for it has permitted Congress to leave to the executive the determination of named events, the making of certain findings as to the existence of ascertainable facts, and the utilization of established standards and techniques. The Court has held that if Congress refers to bodies of experience (even judicial experience, such as in rate-making, in connection with reasonable rates), or recognizes skills or tests or procedures, the rule against delegating power has been satisfied. In instances of this type, the Court says that Congress has formulated the general policy, stated standards or referred to ascertainable sources for fixing standards, and has left to the executive the task of implementing, executing, or applying the policy. The question comes to be one of degree in the precision with which standards or references are phrased.¹ It might fairly be added that, with the exception of certain statutes authorizing the President to take steps with respect to neutrality in relations between this nation and other nations in time of war, Congress had been moderately precise in the phraseology that it had employed in delegation. Tea-tasting, cost of production of goods for tariff purposes, and subjects of this general nature are normally dealt with in appropriate legislative leisure. Leisure is often a great aid to careful phraseology. Emergency and war and hurry do not necessarily imply careless draftmanship, but they make it more difficult to be careful.

The National Industrial Recovery Act of 1933 recited its purpose in Title I as including:²

"A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organi-

¹ For a convenient summary of the decisions of the Supreme Court, see H. L. Rottschaefer, *Handbook of American Constitutional Law*, pp. 72-80.

² Act of June 16, 1933, 48 Stat. 195; *Schechter Poultry Corporation v. United States*, 295 U. S. 495 (1935).

zation of industry for the purpose of coöperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources."

In Section 10 of the act, the President was authorized to make such rules as might be necessary to effectuate the purposes stated in Section 1. The machinery relied on for accomplishing these purposes was a series of code authorities, provided for in several sections of the act. Under the codes, employees and employers were to be organized. Representatives of interested and affected groups were to draft codes, and the codes, when approved by the President, were to have the force of law. The statute provided for the punishment of infractions of rules and codes. Codes were to promote the purposes of the act, were not to promote monopoly, and the trade associations involved were not arbitrarily to restrict membership. The act made the existence of the non-monopolistic and non-discriminatory trade association practices requisites of the code before presidential approval could be given. The statute also authorized the President to make changes in the code provisions submitted to him for approval if he deemed changes necessary to insure fulfillment of the purposes of the act. Executive Order 6675-A approving the Live Poultry Code recited compliance with the conditions of the statute preliminary to executive approval.

The Supreme Court, Mr. Justice Cardozo concurring, held that the President had been furnished insufficient standards by Congress and that, therefore, the section delegating to him the power to approve codes was invalid. Title I recited only a general policy, but, said the Court, the standards to be valid must be more specific and ascertainable. That the monopoly and trade association sections were specific did not save the system established by the act, for they were negative rather than positive guides. Finally, the Court stated, in its opinion in the *Schechter* case, that the fact that the codes were to establish rules of "fair competition" was too uncertain a standard to serve as a basis for executive action. The principles of unfair competition might be fairly well known, but there was no body of ascertainable and generally accepted principles whereby one could determine whether or not competitive practices were fair.

In the *Panama Refining Company* case,³ often called the "Hot Oil" case, the Court had held that Title I could not be used to save Sec-

³ *Panama Refining Company v. Ryan*, 293 U. S. 388 (1935).

tion 9c, which authorized the President to bar the use of interstate commerce to oil withdrawn from storage in any state in violation of orders by state authorities. The statute neither commanded nor forbade the President to close interstate commerce to "hot" oil. According to the statute, the President might bar the oil from interstate commerce if he wished to do so. The Court held that his wish was insufficient to serve as a legal basis of executive action.

Anticipating the *Carter Coal Company* case,⁴ the Supreme Court stated that if the act were to be construed as giving authority to private groups, such as the members of trade associations or labor unions, to make rules having the force of law, the delegation would be invalid. The theory of the two NIRA decisions on this point was, however, that the delegation of power was to governmental officers. But in the Coal case the Court held that the power to fix prices and hours of labor had been delegated to union and trade association members and decided that the delegation was invalid, irrespective of the standard fixed. The constitutional basis for invalidating a delegation of this type seems to be the due process clause of the Fourteenth Amendment. It seems that the doctrines of the separation of powers and of the due process clause imply that the public is entitled to be governed by laws made by the government, not by private groups. The basic reason for this view is suggested by the Court as arising from the greater temptation and likelihood of partiality in the laws made by private groups, as contrasted to those made by governmental authorities. When political acrimony had passed and cooler judgments prevailed in the discussion of this group of cases, it was generally realized that unless the Court altered its fundamental views, more care would have to be taken in formulating standards for the executive to apply, that more careful statement of legislative policy would have to be made, and that less direct use of private interest groups must be provided for in future legislation. No great hope that changes in Court personnel would insure changes of doctrine could be derived from these decisions, because Mr. Justice Cardozo dissented in the *Panama Refining* case but concurred in the *Schechter* case, distinguishing the two on rather narrow grounds. The radical, liberal, and conservative divisions that later characterized some phases of the Court's work were not presaged in these decisions.

The Second World War brought the Emergency Price Control Act of 1942, with its subsequent amendments. The purposes of this act were stated in its opening paragraphs in the following language:

"to stabilize prices and to prevent speculative, unwarranted, and abnormal increases in prices and rents; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal mar-

⁴ *Carter v. Carter Coal Company*, 298 U. S. 238 (1936).

ket conditions or scarcities caused by or contributing to the national emergency; to assure that defense appropriations are not dissipated by excessive prices; to protect persons with relatively fixed and limited incomes, consumers, wage-earners, investors, and persons dependent on life insurance, annuities, and pensions, from undue impairment of their standard of living; to prevent hardship to persons engaged in business . . . and to the Federal, State, and local governments, which would result from abnormal increases in prices; to assist in securing adequate production of commodities and facilities; to prevent a post emergency collapse of values. . . ."

The President was authorized to make rules and regulations for the achievement of the objectives mentioned and to subdelegate powers to administrative officers of the government. Was the standard sufficient? The Supreme Court held that it was adequate, distinguishing it from the NIRA on the ground that the Price Control Act delegated power to a governmental officer, not to private groups, and on the ground that the standard fixed was sufficiently clear and ascertainable to satisfy the Court's requirements.⁵ Mr. Justice Roberts dissented from this portion of the opinion in the *Yakus* case, insisting that the standards were as vague and broad as in the NIRA. No doubt the experiences of the depression had familiarized the lay public as well as the executive, the Congress, and the Court with concepts of price ranges, business cycles, stabilization of purchasing power, the statistics of supply and demand, and the numerous other factors referred to as affecting the desired general national welfare, so that when the Court encountered phraseology of this kind in the Price Control Act it seemed less vague than it had fifteen years earlier in NIRA. No doubt, too, the fact that a fierce global war was being waged played its part in making the Court look upon the idea of control with more favor than it otherwise might have done. It is probably true that the language of the Price Control Act had a much more easily ascertainable standard in 1942 than had the language of the National Industrial Recovery Act in 1933. To that extent, the Court would seem to have adhered to its general test laid down in the two NIRA cases. But it is somewhat surprising to see how small a part the war-power concept played in the decision of the *Yakus* case in so far as the separation of powers was concerned.

Nor is the *Stewart* case⁶ a departure from precedent in deciding that the power to allocate scarce materials includes the power to order suspension of permits to distribute, or to suspend quotas, of persons who violate price control orders that are otherwise valid. This is not affected by the war power, but is a doctrine of normal times. The power to make rules to effectuate the purposes of the act is broad enough to make allocation effective, reasoned the Court, and allocation cannot be effective if those to whom allocations are made do not use the materials in the

⁵ *Yakus v. United States*, 321 U. S. 414 (1944).

⁶ *Bowles v. Willingham*, 321 U. S. 503 (1944).

manner or for the purposes for which they are allocated. Suspension of permits or quotas is really only part of a reallocation procedure to insure proper use of the materials.

In *Bowles v. Willingham*, the Court decided that "fair and equitable" was a sufficient standard for the administrator to follow in fixing rents under the Price Control Act.⁷ In the price control cases, the requirement of the statement of "considerations" as a condition precedent to the issuance of an order should not be confused with a requirement that findings be made and stated, according to the Court. "Considerations," said the Court, were merely synonymous with "reasons."

The price control cases contain many issues relating to administrative and judicial procedure. Some of the Supreme Court's statements in many of these opinions, when taken together with similar statements in the *Carter Coal Company* case, seem to indicate that the Court feels easier about sustaining a delegation of power to the executive department when the delegation is accompanied by elaborate procedural rules and when judicial review of legal aspects of delegated action is insured.

The cases reviewed thus far have dealt with legislative delegations of authority to the executive department in depression and in war, although the minor rôle played by the existence of war in the theory of the decisions relating to the interpretation and validity of delegations has been noted. A tendency to be less exacting in the requirements imposed on Congress in formulating its language of delegation is to be found in a foreign relations case and in an administrative reorganization case. In *United States v. Curtiss-Wright Export Corporation*,⁸ the Supreme Court was called upon to decide whether or not the delegation of power to the President to forbid the export of arms to belligerent nations in the Chaco dispute complied with the requirements of preceding decisions as to standards and findings. The language of the joint resolution of 1934 read as follows:

"That if the President finds that the prohibition of the sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and if after consultation with the governments of other American Republics and with their coöperation, as well as that of such other governments as he may deem necessary, he makes proclamation to that effect, it shall be unlawful to sell, except under such limitations and exceptions as the President prescribes, any arms or munitions."

The Court sustained the delegation, and sustained the findings recited in the presidential proclamation. It seemed to assume that the language of delegation would not be valid in normal times for internal affairs, an

⁷ *Steuart & Brother, Inc., v. Bowles*, 322 U. S. 398 (1944).

⁸ *United States v. Curtiss-Wright Export Corporation*, 299 U. S. 304 (1936).

assumption that is both dictum and open to question on the merits. But the basis on which the delegation was upheld was that less strict standards are required in congressional acts authorizing the President to handle problems in foreign relations than in domestic matters. This but elaborates the statements made in a number of earlier decisions relating to immigration and paper money, in which the Court intimated that the national government had the powers of a sovereign nation as those powers were understood in international law.⁹ The doctrine of enumerated powers did not apply to restrict the exercise of national power in the field of foreign relations, said the Court. With respect to findings, the Court held that the presidential recitation in the proclamation of the statutory formula governing findings was sufficient.

The presidential power to reorganize administrative agencies, transfer duties, and shift administrative subdivisions, was also treated less strictly by the Court than might have been true if the delegation to the executive had been of a power which directly affected private persons or groups. The internal arrangements of the executive department may well be viewed as a matter of public, not private, concern. The Supreme Court interpreted the provisions of the First War Powers Act of December 18, 1941,¹⁰ to mean that the President could assign price control functions temporarily to an agency which was in existence prior to its enactment. The act authorized the President "to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers heretofore by law conferred upon any executive department, commission, bureau, agency, governmental corporation, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this title, and to this end he is authorized to make such regulations and to issue such orders as he may deem necessary. . . ." The Court placed considerable reliance on executive interpretation in previous exercises of power under the act, a reliance which this author feels was greater than might have been placed on it if private rights had been directly affected. Presumably, private parties have no vested rights in the continuation of a particular allocation of administrative functions.

May Congress legalize an illegal exercise of executive power by subsequently delegating to an executive officer the power to do that which previously he had no power to do because of the absence of delegating language in a statute? In *Kiyoshi Hirabayashi v. United States*,¹¹ the

⁹ *Fong Yue Ting v. United States*, 149 U. S. 698 (1893); *Norman v. Baltimore & Ohio R. Co.*, 294 U. S. 240 (1935).

¹⁰ 55 Stat. 838, c. 593; *Fleming v. Mohawk Wrecking and Lumber Company*, 91 L. Ed. 991 (1947).

¹¹ *Kiyoshi Hirabayashi v. United States*, 320 U. S. 81 (1943).

Japanese Curfew case, Mr. Chief Justice Stone so confuses the executive's power to issue the proclamation justifying exclusion from designated areas, mass removal, and curfew restrictions, with the power of Congress to provide for the same things, that it is impossible to generalize on the decision so far as this point is concerned. But he does state categorically that the President's orders were valid by virtue of congressional ratification, irrespective of their validity or invalidity in the absence of ratification.

Ratification need not be as explicit as it was in the Japanese cases, but may, as in two Shipping Board cases, be indirect and implied.¹² There the ratification was implied from subsequent appropriations to carry on the functions which had been transferred to the Department of Commerce, and this was strengthened by the fact that specific reference had been made to those functions transferred by executive order of a given number.

Congress sometimes delegates power to the courts rather than to the executive departments. It did so when it authorized the Supreme Court to make rules of civil procedure for the federal district courts. The Supreme Court upheld the power of Congress to do this, and it also placed the stamp of its approval on the practice of having the rules submitted to Congress for a fixed period provided for by statute, with the power reserved to Congress to disapprove them. If the rules are not disapproved, they become effective.¹³

In the exercise of the power of judicial review of legislation, a power which rests partly on the principle that this is necessary to enforce the separation of powers, the Supreme Court and Congress recently made notable contributions to the law. The Court repudiated the doctrine that statutes are void *ab initio* if they are later held to be unconstitutional, subscribing to the doctrine that statutes are of some effect if recognized and acted upon in good faith by private parties and public officials alike.¹⁴ Congress in 1937 provided for direct appeals from district court decisions against the constitutionality of congressional statutes and for notice to, and intervention by, the United States in such cases.¹⁵ The Court is still struggling with the problem of "interest" on the part of those who seek to challenge the validity of statutes. Little can be done to extricate the law from the bog into which it has fallen on this point so long as the idea prevails that constitutionality should be sparingly dealt with by the

¹² *Isbrandtsen-Moller Company v. United States*, 300 U. S. 139 (1937); *Swayne & Hoyt v. United States*, 300 U. S. 297 (1937).

¹³ *Sibbach v. Wilson and Company, Inc.*, 312 U. S. 655 (1941).

¹⁴ *Chicot County Drainage District v. Baxter State Bank*, 308 U. S. 371 (1940).

¹⁵ Act of August 24, 1937, 50 Stat. 751, c. 754; *Fleming v. Rhodes*, 91 L. Ed. 998 (1947).

courts. It should be just the opposite, but with statutes or rules of limitation as to the time in which it could be done.¹⁶

Of very great significance for future developments in judicial relations with the executive is that aspect of the price control cases which upholds the power of Congress to restrict litigants questioning constitutionality or validity of statutes and administrative acts to designated courts, to limit the time in which questions must be raised, to require exhaustion of administrative remedies precedent to utilization of judicial agencies, and to require advancement on the docket of cases of a certain class. The full scope of the implications of these decisions has probably not been fully understood by bench, bar, or scholars.¹⁷

Two recent opinions of the Supreme Court have discussed the doctrine of political questions. In *Colegrove v. Green*,¹⁸ the Supreme Court refused to interfere with the operation of the Illinois congressional redistricting act of 1901, which, according to petitioners, had become invalid by the changed conditions arising from shifts of population within the state, enlarging some districts so greatly that the individual voter was denied the full effectiveness of his right to vote. Three justices thought that the question was political. By "political question," Mr. Justice Frankfurter seems to mean a question that is so intertwined with party politics that the courts should not become embroiled in the controversy. Some of the distinctions drawn in some of the opinions are so vague, and the division on the applicability of the doctrine of political questions so even, that it is not possible to predict with certainty that the doctrine will serve as the basis for a similar decision in the future, assuming that the decision might be the same.

In *Coleman v. Miller*,¹⁹ an amendment case, the Supreme Court refused to pass upon the question of whether or not any particular number of years is reasonable as a requirement of time within which state legislatures or conventions must ratify a proposed amendment. No time limit upon ratification had been fixed by Congress in the proposed child labor amendment, and the Court refused to fix one of its own, saying that this was a subject over which the Constitution had vested full power in Congress. The Court would apply the congressional rule, not its own. This is the second sense in which the term "political question" is used.

An interesting study in the relations between executive and legislative

¹⁶ On moot case, see *St. Pierre v. United States*, 319 U. S. 41 (1943). On party without interest, see *Tileston v. Ullman*, 318 U. S. 44 (1943); *ex parte* Albert Levitt, 302 U. S. 633 (1937). On error in passing on constitutional question when case could be disposed of without considering it, see *Alma Motor Company v. Timken-Detroit Axle Company and United States*, 91 L. Ed. 150 (1946).

¹⁷ See *Lockerty v. Phillips*, 319 U. S. 182 (1943).

¹⁸ *Colegrove v. Green*, 328 U. S. 549 (1946).

¹⁹ *Coleman v. Miller*, 307 U. S. 433 (1939).

departments and the complications that sometimes arise in the field of checks and balances is to be found in *Rathbun v. United States*.²⁰ In *Myers v. United States*,²¹ the Court had decided that Congress could not require that the President obtain the consent of the Senate to removals, even though consent to appointments could be required. In the *Rathbun* case, the Court decided that the Congress could specify grounds for removal which the President must adhere to because the office involved was one which Congress intended to place outside partisan control and because the nature of the work of the office was quasi-judicial or quasi-legislative in nature. The extensive literature that has grown up around these two decisions indicates that a host of constitutional and administrative problems followed in their wake. Some of them can be resolved only by further decisions by the Court itself.

A technical point of minor consequence which might also be mentioned in the field of executive-legislative relations is that recess by the Senate while the House is in session does not constitute an adjournment within the meaning of Article I, section 7, paragraph 2, relating to the return to Congress of vetoed bills by the President.²²

The work of the Supreme Court in the field of the relation of the departments of government to one another carries little comfort to those who must find deeply rooted prejudices, overwhelming economic determinants, or strong social predilections with which to explain the judicial process and its implications for politics and society. On the whole, no new techniques have been evolved, no new values projected, and no startling extensions made. The law of the separation and delegation of powers and the law governing the relations between departments of government seems to have been growing in a healthy and normal manner during the past fifteen years.

III. THE POWER TO REGULATE COMMERCE

VINCENT M. BARNETT, JR.

Williams College

The commerce clause has been a double-edged tool of constitutional interpretation from the earliest days of judicial review of state and federal legislative activity. It is at once a positive source of federal power and, in the absence of federal exercise of that power, a source of implied limitations on state legislation. Any consideration of trends of interpretation of the clause in the past decade must treat both aspects of the matter. In

²⁰ *Rathbun v. United States*, 295 U. S. 602 (1935).

²¹ *Myers v. United States*, 272 U. S. 52 (1926).

²² *Wright v. United States*, 302 U. S. 583 (1938).

general, it may be said that expansive implications of the Wagner Act decisions in the spring of 1937 have been elaborated and broadened until the commerce clause is today an ample source of federal legislative authority to deal with a wide range of problems arising out of or having any substantial effect upon interstate commerce. No such clear generalization may be made with respect to the nature of the limitations which the unexercised commerce power imposes on state police power and tax legislation. But the tendency, not yet consistently dominant, seems to be in the direction of upholding much state legislation that would formerly have been ruled a burden on interstate commerce. It is, of course, unnecessary to labor the fact that state legislation incompatible with a valid federal exercise of the commerce power is unconstitutional.

Both the above generalizations require some further examination. The first can perhaps best be looked at in terms of (1) changing definitions of interstate commerce, (2) the reshaping of familiar formulæ for determining the reach of the power to regulate, (3) the abandonment of the "dual federalism" concept, and (4) the broad application of federal statutes to businesses alleged not to be in interstate commerce. Discussion of the second general problem may perhaps best be considered in terms of the gradual, and still wavering, emergence of what may be called the "leave-it-to-Congress trend" in the review of state legislation alleged to burden interstate commerce.

Changing Definitions: Paul v. Virginia into the Discard. One of the hoariest precedents with respect to the definition of interstate commerce was overturned when the Court in 1944 reversed the 1869 holding of *Paul v. Virginia*¹ that the making of contracts of insurance across state lines was not interstate commerce. The Court held in effect that the earlier series of decisions stemming from *Paul v. Virginia* was basically inconsistent with the definition of interstate commerce applied in numerous other cases, and must now be brought into line with them.² The Court unanimously agreed that insurance was interstate commerce, differing only as to whether Congress intended the Sherman Act to apply. The basic theory of *Paul v. Virginia* was resoundingly rejected. "A nation-wide business is not deprived of its interstate character merely because it is built upon sales contracts which are local in nature." Other decisions reveal, said the Court, that "not only . . . may transactions be commerce though non-commercial; they may be commerce though illegal and sporadic, and though they do not utilize common carriers or concern the flow of anything more tangible than electrons and information. . . ." To the dogmatic rule that insurance cannot be interstate commerce, the Court

¹ 8 Wall. 168 (1869).

² *U. S. v. Southeastern Underwriters Association*, 322 U. S. 533 (1944). The same result was reached in *Polish National Alliance v. NLRB*, 322 U. S. 643 (1944).

replied that numerous other decisions made it "difficult now to hold that no activities of any insurance company can ever constitute interstate commerce so as to make it subject to such federal regulation." The precise line bounding the commerce power can never be reached by resort to any single abstract formula. But regardless of the formula, said the Court, "no enterprise of any kind which conducts its activities across state lines has been held to be wholly beyond the regulatory power of Congress under the Commerce Clause. We cannot make an exception of the business of insurance."³

Changing Definitions: Federal Power over "Navigable" Streams. A significant broadening of federal power to undertake a wide range of activities was achieved by a latitudinarian interpretation of "navigable" streams, and the consequent validation of federal controls related thereto. The leading case involved the Federal Water Power Act of 1920, which gave the Federal Power Commission authority to license obstructions across navigable streams.⁴ An electric power company, unable to secure a license on terms satisfactory to itself, began to build a dam over the New River in Virginia and West Virginia without such a license. The company—joined in its protest by forty-one states—fought an injunction on the ground that the river was not navigable, or, if navigable, that the conditions of the license insisted upon by the Commission had nothing to do with the "navigable capacity" of the stream. The Supreme Court upheld the Commission. The high tribunal ruled that the New River was "navigable" even though not actually navigated, observing that "potential navigability" and the "effect of improvability" were the keys to the question. Here, said the Court, the river could be made navigable by the expenditure of a not unreasonable sum of money. Since the stream was thus "navigable," federal authority was not restricted to controls which related only to navigation. The power in question was the commerce power, of which control over navigability is only a part. Flood protection, the development of watersheds, and the utilization of any electric power which may result—all are within the commerce power. Hence, "navigable waters are subject to national planning and control in the broad regulation of commerce granted the Federal Government." Since Congress could prohibit all obstructions whatever, it could grant the privilege under any conditions it

³ The majority thought that Congress revealed no intent to except insurance from the general provisions of the Sherman Act, while three dissenters denied the act was intended to apply and were anxious that state laws regulating insurance companies continue to operate until Congress clearly took over the field. Congress later passed the McCarran Act of 1945 leaving state regulation of insurance companies in effect until superseded by federal law. This act was upheld in *Prudential Insurance Co. v. Benjamin*, 328 U. S. 408 (1946), and *Robertson v. Calif.*, 328 U. S. 440 (1946).

⁴ *U. S. v. Appalachian Electric Power Co.*, 311 U. S. 377 (1940).

saw fit. Despite a dissent by two justices ridiculing the test of "potential navigability"—asserting that every creek in the Union is "navigable" under this test—the case seems to establish on a firm basis the broadest kind of federal power over the water resources of the country. In the following year, the Court held that Congress' power over navigation extended to non-navigable tributaries of navigable streams, if that were necessary to protect the navigable rivers. And if legitimate ends such as flood control and improved navigation are achieved, said the Court, it is irrelevant that electric power is also generated in the process. In fact, there may be several purposes in the over-all plan; they may all be pursued so long as one of them is constitutional—and the valid objective need not even be the primary one.⁵

Abstract Formulæ and the Economic Facts of Life. One of the most notable developments in interpretation has been the tendency of the Court to reject the formalism of earlier distinctions between that commerce which is regulable by the federal government and that which is not. The comments which pervaded earlier decisions—particularly as revived in the 1935 and 1936 cases invalidating basic provisions of the New Deal—to the effect that "production" was local and not interstate; that interstate commerce was primarily concerned with "transportation"; that regulations which were "indirectly" related to interstate commerce, no matter how important to its preservation or control, were beyond the reach of the commerce power—these have generally been replaced either by emphasis on competing concepts which were in fact contemporary with the above or by the more direct approach of declaring that these matters are simply not to be settled by resort to neat formulæ. In 1935 and 1936, the Court chose to revive and restate the narrower of two lines of decision, choosing in effect the doctrines of the Sugar Trust case and the first child labor case rather than the "stream of commerce" approach of *Stafford v. Wallace* and similar cases. In the NRA case and the Guffey Coal Act case, the Court turned clearly to the narrower conceptions; in the Wagner Act cases, it reversed, by implication, much of the basis of these decisions; and in the succeeding ten years it has demonstrated that the conceptualism which dominated the earlier New Deal cases has now been abandoned.

In *Currin v. Wallace*,⁶ for example, the Court flatly rejected the argument that transactions on the tobacco auction market were "local" sales, that "purchases" were not as such interstate commerce, and that they were thus beyond the power of Congress. Such purchases were to be held a part of interstate commerce, which, stressed the Court, comprehended far more than mere "transportation." Again, in *Mulford v. Smith*,⁷

⁵ *Phillips v. Guy Atkinson Co.*, 313 U. S. 508 (1941).

⁶ 306 U. S. 1 (1939).

⁷ 307 U. S. 38 (1939).

the Court chose the "stream of commerce" approach in upholding the establishment of marketing quotas for flue-cured tobacco by the Secretary of Agriculture under legislation of 1938. To the contention that this was really control of production, the Court answered that it was merely limitation of the amount of tobacco marketed at the auction warehouses, which are "the throat where tobacco enters the stream of commerce." Similarly, in an opinion sustaining the Agricultural Marketing Agreement Act of 1937, the Court ruled that price-fixing as related to sales within New York was valid, since the milk itself moved in interstate commerce. Although sales themselves were local, the commodities sold were part of interstate commerce and the entire enterprise was thus within the scope of the commerce power.⁸

One of the most striking examples of this adoption of the broader line of competing precedents was in *United States v. Darby*,⁹ perhaps the most important single case under the commerce clause in the ten-year period. The Fair Labor Standards Act of 1938 not only outlawed the interstate shipment of goods produced under substandard conditions, but also prohibited the employment of workers engaged in producing "for interstate commerce" in violation of the wages and hours standards established under the act. The Court now clearly abandoned the conceptualism of *Hammer v. Dagenhart*, denied that since this was "production" it was necessarily "local," stressed the idea of an unbroken "stream of commerce," and held unequivocally that Congress can prohibit the interstate shipment of goods produced under labor conditions outlawed by Congress. In this connection, congressional motives "are matters for the legislative judgment, upon the exercise of which the Constitution places no restriction and over which the courts are given no control." Since the holding that federal power "is plenary to exclude any article from interstate commerce subject only to the specific prohibitions in the Constitution" was clearly irreconcilable with the entire basis of the decision in *Hammer v. Dagenhart*, the earlier case "should be and now is overruled." The opinion in this case also climaxed a basic shift in attitude toward attempts by Congress under the commerce clause to engage in general social and economic legislation. The earlier view—evident throughout the *Hammer v. Dagenhart* opinion and several others—strongly implied that Congress was acting covertly, conspiratorially, and, in fact, dishonestly, when it attempted to use the clause for such purposes; the newer attitude apparently is not only that Congress is within its rightful power in acting thus, but that the provision actually enjoins upon the legislature a positive responsibility to ensure that the channels of interstate commerce are not

⁸ *U. S. v. Rock Royal Coöperative*, 307 U. S. 533 (1939); similar issues were raised in *H. P. Hood and Sons v. U. S.*, 307 U. S. 588 (1939).

⁹ 312 U. S. 100 (1941).

used to foster or perpetuate conditions detrimental to the general interest.

By 1942 the Court was ready to announce outright the end of the old distinction between "production" and "transportation" as a touchstone of valid exercise of the commerce power. In upholding the Agricultural Adjustment Act of 1938 as applied to a farmer raising only twenty-three acres of wheat, all of which he consumed or fed to his own stock, and none of which was intended for interstate commerce, the Court denied the inapplicability of the act merely because none of this particular wheat was going into interstate commerce.¹⁰ The familiar contention that such agricultural production and consumption was a purely "local" matter, the Court reviewed carefully and rejected specifically. Commenting directly on the formalistic distinctions of earlier commerce decisions, the Court said: "We believe that a review of the course of decision under the Commerce Clause will make plain, however, that questions of the power of Congress are not to be decided by reference to any formula which would give controlling force to nomenclature such as 'production' and 'indirect' and foreclose consideration of the actual effects of the activity in question upon interstate commerce." Such formulæ, continued the Court, cannot prevent the commerce power from being validly used to control intrastate activities having an actual effect upon interstate commerce, even though under earlier decisions they might have been defined as "local" or "indirect," and therefore beyond the reach of Congress.

The Death of "Dual Federalism." The landmark case of *United States v. Darby* not only went far toward destroying excessive formalism in the interpretation of interstate commerce as such; it also struck the death blow at the doctrine which had come to be known as "dual federalism." That doctrine, relied upon heavily in *Hammer v. Dagenhart* and applied vigorously in the early New Deal commerce cases, held in effect that Congress could not exercise even its delegated powers in such a way as to infringe the inviolable area of state activity deemed to be protected by the Tenth Amendment. The basic ambiguity of holding that the reservation of powers not granted somehow operated even to limit those which were granted was at last disposed of. The *Darby* opinion brusquely abandoned the entire concept. "The [Tenth] Amendment states but a truism that all is retained which has not been surrendered. There is nothing in the history of its adoption to suggest that it was more than declaratory of the relationship between the national and state governments as it had been established by the Constitution before the Amendment." In this respect also, therefore, the first child labor case was directly overruled, and the very dubious argument that the reserved powers of the states could operate as limitations on the specifically granted powers of

¹⁰ *Wickard v. Filburn*, 317 U. S. 111 (1942).

the federal government was rendered no longer constitutionally respectable.

Statutory Interpretation: Application of Federal Laws to Businesses Alleged not to be in Interstate Commerce. But perhaps even more revealing than the cases which involved the constitutionality of federal legislation were those which dealt with the constantly-arising questions of the applicability of these laws to particular kinds of activities not clearly in interstate commerce. The National Labor Relations Act and the Fair Labor Standards Act, after being upheld in general, continued throughout the period to spawn controversies as to their application in particular instances. In upholding the application of these and other federal acts to situations which in an earlier period would certainly not have been held within the federal commerce power, the Court has indicated the degree to which it has broadened the concept of interstate commerce in recent years. ¶ The Wagner Act, for example, was held applicable to a power company which did not sell power for resale outside New York State and nearly all of whose electric power was consumed within the state.¹¹ Stressing economic facts, the Court commented on the "impressive evidence of the dependence of interstate and foreign commerce upon the continuity of the service. . . ." If the power were cut off, noted the Court, "instantly, the terminals and trains of three great interstate railroads would cease to operate; interstate communications by telegraph, telephone, and radio would stop; lights maintained as aids to navigation would go out; and the business of interstate ferries and of foreign steamships whose docks and lines are operated by electric energy would be clearly impeded." Congress, thought the Court, could protect commerce against such consequences, even though the service whose disruption would cause them was not itself interstate.

Several cases involving the application of the Fair Labor Standards Act are also illustrative in this connection. The act applies in terms to all employees engaged in the production of goods for interstate commerce, including anyone "employed in any process or occupation necessary to the production thereof, in any state." The Court has upheld the act as applied to the operating and maintenance employees of the owner of a building who rented space to producers selling largely in interstate commerce;¹² to employees of a newspaper with a daily circulation of 11,000, one-half of one per cent of which was out-of-state;¹³ to employees of a company en-

¹¹ Consolidated Edison Co. v. NLRB, 305 U. S. 197 (1939). See also NLRB v. Fainblatt, 306 U. S. 601 (1939), in which the act was held applicable to a so-called "contract shop" in New Jersey which took cloth supplied by owners in New York, made it into garments, and sent them back to the owners in New York to be merchandised.

¹² Kirschbaum v. Walling, 316 U. S. 517 (1942).

¹³ Maybee v. White Plains Publishing Co., 327 U. S. 178 (1946).

gaged in cleaning the windows of buildings whose occupants were producing goods for an interstate market;¹⁴ and to employees engaged in repair and maintenance of vehicles which were rented for the transportation of other vehicles in interstate commerce.¹⁵ As Frankfurter said in the first-mentioned case above, "To search for a dependable touchstone to determine whether employees are 'engaged in commerce or in the production of goods for commerce' is as rewarding as an attempt to square the circle." What the Court now looks at, therefore, is simply whether there is in fact a "close and immediate tie" with interstate commerce. If there is, the act has been held applicable.

Interpretation and application of other federal acts reveal similar trends. The Court ruled, for example, that the Agricultural Marketing Agreement Act of 1937 could be applied to a firm all of whose milk was produced locally and none of which was sold in interstate commerce. Since Congress could regulate the price of milk sold in interstate commerce, it could also, as an incident to the broader power, regulate the price of locally-produced and locally-sold milk which competed with that sold in interstate commerce. This was not because the local milk was itself in interstate commerce, but because the control here exerted was necessary to protect interstate commerce. Said the Court: "The commerce power is not confined in its exercise to the regulation of commerce among the states. It extends to those intrastate activities which so affect interstate commerce, or the exertion of the power of Congress over it, as to make regulation of them appropriate means to the attainment of a legitimate end."¹⁶

Even more sweeping language was used in opinions in 1945 and 1946 upholding the "death sentence" clause of the Public Utility Holding Company Act of 1935 as a valid exercise of the commerce power and as applied to the two companies involved.¹⁷ To the Court, these companies "depend for their very existence upon the constant and systematic use of the mails and the instrumentalities of interstate commerce," and therefore possess an "undeniable interstate character." "Congress, of course, has undoubted power under the commerce clause to impose relevant conditions and requirements on those who use the channels of interstate commerce so that those channels will not be conduits for promoting or perpetuating economic evils," Hence, continued the unanimous opinion, "to the extent

¹⁴ *Martino v. Michigan Window Cleaning Co.*, 327 U. S. 173 (1946).

¹⁵ *Boutell v. Walling*, 327 U. S. 463 (1946). Other important cases involving application of the act were *Okla. Press Pub. Co. v. Walling*, 327 U. S. 186 (1946), and *Roland Electric Co. v. Walling*, 327 U. S. 657 (1946).

¹⁶ *U. S. v. Wrightwood Dairy Co.*, 315 U. S. 110 (1942).

¹⁷ *North American Co. v. SEC*, 327 U. S. 686 (1945), and *American Power and Light Co., v. SEC*, 329 U. S. 90 (1946).

that corporate business is transacted through such channels, affecting commerce in more states than one, Congress may act directly with respect to that business to protect what it conceives to be the national welfare. It may prescribe appropriate regulations and determine the conditions under which that business may be pursued. . . . In short, Congress is completely uninhibited by the commerce clause in selecting the means considered necessary for bringing about the desired conditions in the channels of interstate commerce. Any limitations are to be found in other sections of the Constitution."¹⁸

The "Leave-it-to-Congress Trend" in the Review of State Legislation. A recent law review article speaks of the "leave-it-to-Congress trend" in the interpretation of the law of tax immunities. A similar trend is to be noted in the decisions of the Court dealing with state tax and police power measures alleged to interfere with interstate commerce. Beginning with expression in minority opinions in 1938 and 1939, there has been a growing tendency to uphold non-discriminatory state legislation where the attack on the statute is based on the judicially derived implications of the "still, small voice" of the unexercised commerce power. State taxes were invalidated in *Adams Manufacturing Co. v. Storen*¹⁹ and *Gwin, White & Prince v. Henneford*,²⁰ over dissents urging that general non-discriminatory tax measures—even though they affect interstate commerce—should be upheld by the Court until Congress remedied whatever dangers lay in the cumulative impact of such taxes. By 1940, in *McGoldrick v. Berwind-White Coal Mining Co.*,²¹ the majority was ready to go far toward adopting this view. Here another non-discriminatory state tax was upheld by the majority, nominally on the venerable formula of the degree of "burden" on interstate commerce. The language of the opinion, however, indicated the extent to which the non-discriminatory argument was adopted by the Court, as well as the general attitude that evils in this field must be for Congress, and not the Court, to correct.²² The general view is perhaps best expressed in the well-known *Greyhound* case in 1940 invalidating a state tax found to be a burden on interstate commerce. Here, dissenters Black, Frankfurter, and Douglas stressed again the view that the Court should not interfere with non-discriminatory state tax laws which affect interstate commerce.

¹⁸ 329 U. S. 90, at 99-100.

¹⁹ 304 U. S. 307 (1938).

²⁰ 305 U. S. 434 (1939).

²¹ 309 U. S. 33 (1940).

²² If there was any doubt that this was the tendency of the majority opinion in the case, the dissent by Hughes, Roberts, and McReynolds emphasized the emergence of the newer trend. On the non-discriminatory point, Hughes said: "It has long been held by this Court in the interest of constitutional freedom of that commerce that a direct tax upon it is not saved because the same or a similar tax is laid also upon intrastate commerce."

"Judicial control of national commerce—unlike legislative regulations—must from inherent limitations of the judicial process treat the subject by the hit-and-miss method of deciding single local controversies upon evidence and information limited by the narrow rules of litigation. Spasmodic and unrelated instances of litigation cannot afford an adequate basis for the creation of integrated national rules which alone can afford that full protection for interstate commerce intended by the Constitution. We would, therefore, leave the questions raised by the Arkansas tax for consideration of Congress in a nation-wide survey of the constantly increasing barriers to trade among the States. Unconfined by the narrow scope of judicial proceedings, Congress alone can, in the exercise of its plenary constitutional control over interstate commerce, not only consider whether such a tax as now under scrutiny is consistent with the best interests of our national economy, but can also on the basis of full exploration of the many aspects of a complicated problem devise a national policy fair alike to the States and our Union. Diverse and interacting state laws may well have created avoidable hardships . . . But the remedy, if any is called for, we think is within the ample reach of Congress."²³

This view is not yet clearly dominant. In fact, some of the sharpest divisions of the Court in recent years have been over this issue. In general, however, the Court has tended more and more to uphold non-discriminatory state taxes even though they impinge upon interstate commerce. In the term of Court following the *Greyhound* case, for example, there were six cases in which state taxes were alleged to burden interstate commerce. In five of them,²⁴ the Court found the tax non-discriminatory and valid. In only one²⁵ did the Court invalidate the tax, and there because the necessary operation of the statute was clearly to discriminate against out-of-state trade. But in the term just concluded, there was evidence that considerable disagreement still prevails in the Court in this field. In a leading case,²⁶ the Court held invalid an Indiana gross income tax as applied to gross receipts from the interstate sales of certain securities. The majority distinguished the *Berwind-White* case and returned to the general principles of *Adams Manufacturing Company v. Storen*, holding that this was like a direct unapportioned tax on gross receipts from interstate business. Such a tax has always been held "definitely beyond state taxing power," even though non-discriminatory and similarly applicable to all business done within the state. Three dissenters emphasized the point that the tax was not aimed at interstate commerce and did not discriminate against it. They thought it no different from a tax on the proceeds of a sale of real property in some other state, where the mails were used to authorize it and to exchange the deed for the purchase price. The present tax should

²³ *McCarroll v. Dixie Greyhound Lines*, 309 U. S. 176 (1940).

²⁴ The more important ones were *Nelson v. Sears, Roebuck and Co.*, 312 U. S. 359 (1941); *Nelson v. Montgomery, Ward and Co.*, 312 U. S. 373 (1941); and *Caskey Baking Co. v. Virginia*, 313 U. S. 117 (1941).

²⁵ *Best & Co. v. Maxwell*, 311 U. S. 454 (1940).

²⁶ *Freeman v. Hewit*, 329 U. S. 249 (1946).

be upheld, thought the minority, if the Court will "adhere to the philosophy of our recent cases." In other cases at this same term, the Court divided sharply on the validity of state taxes on stevedoring²⁷ and warehousing,²⁸ invalidating the former and upholding the latter—each time over strong dissents which reveal the degree of fluidity prevailing in this field.

In numerous other cases under the commerce clause, the Court upheld state laws on the ground that a fair effort at tax apportionment had been made,²⁹ or that the effect of a police power statute on interstate commerce was unsubstantial or indirect,³⁰ or on other familiar bases. In general, a tolerance for state police power and tax legislation in the absence of congressional preemption of the field is characteristic.³¹ For example, a California act controlling the marketing of raisins—ninety-five per cent of which were shipped out of state—was upheld in the absence of any indication that Congress intended to occupy the field. The Court recognized that the effect on interstate commerce was "direct," but ruled that this was a field which Congress might appropriately leave to state control until Congress itself acted.³² Despite occasional exceptions and a considerable degree of continuing uncertainty—especially in the tax field—it is probably accurate to say, therefore, that the trend in the last ten years has been toward granting more and more discretion to state legislatures to exercise tax and police powers which impinge on interstate commerce, and to adopt the general attitude that where such legislation, unless it is clearly discriminatory, results in problems in the realm of interstate trade, those problems are properly left for the federal Congress to resolve by a positive exercise of its commerce power.

Conclusions. When the Court assembled in October, 1937, it was clear that much reshaping of the judicial gloss on the commerce clause was in

²⁷ *Joseph v. Carter and Weekes Stevedoring Co.*, 67 Sup. Ct. 815 (1947). In dissenting from the 5-4 decision invalidating the tax, Douglas urged that "the logic of words should yield to the logic of realities." His formulation of the general concept herein discussed is as follows: "Unless formal doctrine is to be restored to this field, the label which the tax bears should not be controlling; and the tax should be sustained unless it evinces hostility to interstate commerce or in practical operation obstructs or impedes it."

²⁸ *Independent Warehouses v. Scheele*, 67 Sup. Ct. 1062 (1947).

²⁹ E.g., *International Harvester Co. v. Evatt*, 329 U. S. 416 (1947); *Nashville, C. & St. L. Ry. v. Browning*, 310 U. S. 362 (1940).

³⁰ E.g., *Milk Control Bd. v. Eisenberg Farm Products*, 306 U. S. 346 (1939); *Terminal R. R. Assn. v. Brotherhood of R. R. Trainmen*, 318 U. S. 1 (1943).

³¹ An interesting exception to this must be noted in connection with two important cases in which the Court used the unexercised commerce power to protect what were essentially civil liberties. See *Edwards v. California*, 314 U. S. 160 (1941), and *Morgan v. Virginia*, 328 U. S. 373 (1946).

³² *Parker v. Brown*, 317 U. S. 341 (1943).

prospect. The rulings in the preceding spring in the Wagner Act cases had indicated that the position of the majority was now inconsistent with several specific precedents still on the books and, perhaps more significantly, with a general approach to state and federal legislation out of which these specific precedents had been born. In the succeeding ten years, the Court has specifically overruled the restrictive precedents in the heretofore landmark cases of *Paul v. Virginia* and *Hammer v. Dagenhart*; it has largely discarded the formalism of the earlier approach to the commerce clause in favor of one which seeks to get at and recognize the actual economic interdependence of the nation and its subdivisions; it has restored the commerce clause to its full strength as a delegated power of the central government uninhibited by the constitutional truism that those powers not delegated are reserved to the states or the people; it has gone far to uphold the application of federal laws to businesses not directly in interstate commerce; it has greatly broadened the concept of "navigable" streams and the scope of federal power in relation thereto; and it has emphasized the commerce clause as a source of positive federal power, while at the same time diminishing its scope as an *ipso facto* delimitation of state power where Congress has not acted. All this is to say that the commerce clause as now interpreted by the Court tends to place in legislatures, and not in courts, the primary duty of meeting the commercial problems arising out of modern-day industrialization and technological advance. No one can deny that it means a sweeping increase in the legitimate authority of Congress to deal with a wide range of problems heretofore held to be beyond its reach. This does not mean there are no limitations on Congress—or, in the absence of congressional action, on state legislatures—in dealing with these matters. It does mean that the Court is now prepared to recognize (1) that the facts of modern economic life make national many problems which were formerly local, and (2) that, by and large, it is legislatures—state and national—rather than courts on whose shoulders, in a democracy, the attempt to wrestle with these problems must primarily devolve. This attitude is not, of course (as the rest of this symposium makes clear), restricted to the interpretation of the commerce clause. But it is in the interpretation of that clause, as one of the major sources of national power, that the implications of the reconstituted high tribunal's approach are perhaps most dramatically apparent.

FOREIGN GOVERNMENT AND POLITICS

THE REVIVAL OF GERMAN UNIONS OF LOCAL AUTHORITIES AFTER WORLD WAR II.

ROGER H. WELLS

Bryn Mawr College

A democratic and peace-loving Germany must have sound political, economic, social, and ethical foundations. On the political side, this means, among other things, the restoration of local self-government, destroyed by Nazi rule and now in process of being rebuilt. Fortunately, Germany has a long tradition of local self-government on which to build. The tradition reaches back to the Middle Ages, but was lost in the centralizing absolutism of modern times. With the reforms of Stein in 1808, a new chapter in the history of local self-government began which lasted on down through the Bismarckian Empire and the Weimar Republic.

One of the attributes of local self-government is freedom of association. In other words, local authorities may voluntarily unite in associations for the promotion of their mutual interests and the defense of their rights against encroachments by the state. For example, the United States has its state leagues of municipalities, federated into the American Municipal Association, France has its *Union des Villes et Communes de France*, and Britain has its Association of Municipal Corporations. The same was true of pre-Hitler Germany, with its various unions of cities (*Städte*), rural counties (*Landkreise*), rural communes or municipalities (*Landgemeinden*), and provinces.

The first German union of local authorities was the Hanover *Städteverein* founded in 1866 while Hanover was still an independent kingdom. Thirty years later (1896), the cities of all Prussia formed the *Preussischer Städtetag*. In that same year, the Bavarian cities were also organized. These various state unions were finally united (1905) into an all-German association known as the *Deutscher Städtetag*. In addition to the state unions, larger cities were direct members of the organization—usually cities with more than 25,000 inhabitants and constituting *Stadtkreise* (city-counties or county-boroughs, to use the English terminology). In 1931, 279 cities held direct membership in the *Deutscher Städtetag*.

In 1910, the small and medium-sized cities organized the *Reichsstädtebund*. At the close of the Weimar period, it had 1,536 member cities, chiefly those which were *kreisangehörig*, i.e., they were not city-counties, but were subject to the jurisdiction of the county in which they were located. For the rural counties, there was the *Deutscher Landkreistag*

(1921), while the rural communes had the *Deutscher Landgemeindetag* (1916).

All of these associations of local authorities with their various state affiliated unions were dissolved in 1933 by the Nazis, who created a single compulsory organization embracing all local governments and known as the *Deutscher Gemeindetag*.¹ The *Deutscher Gemeindetag* was not intended to be an agency of self-government, but rather was an instrumentality of state control exercised by the Ministry of the Interior and of party control exercised through the *Hauptamt für Kommunalpolitik*. (Here as elsewhere there was conflict between state and party agencies over their respective jurisdictions.)

The end of the war found the fine office building of the *Deutscher Gemeindetag* in Berlin, built during the Nazi period (Berlin-Charlottenburg, Berlinerstrasse 4-9), partially destroyed, with consequent dispersion or loss of books and records. (Some of the books and records are still at Wels in Austria.) Including the library of the Municipal Science Institute (*Kommunalwissenschaftliches Institut*), there are at present about 20,000 volumes in the Berlin headquarters.

Because the *Deutscher Gemeindetag* was deemed to be a Nazi organization, it was dissolved and prohibited in the U.S. and British Zones. The prohibition was subsequently repeated in Allied Control Council Law No. 2 (October 10, 1945). Since the office building is physically located in the British sector of Berlin, it is under British Military Government property control. In July, 1946, British Military Government appointed as custodian of the property Dr. Oskar Mulert, president of the old *Deutscher Städtetag* prior to 1933. The *Deutscher Gemeindetag* still has a skeleton staff of between seventy and eighty people, whose salaries are paid by the city of Berlin; but, as long as the organization is under Control Council ban, it must remain in a condition of suspended animation.

The Potsdam Declaration of August 2, 1945, called for the restoration of local self-government through elected representative bodies beginning at the *Gemeinde* level and working upwards. The U.S. Zone took the lead in carrying through these elections, *Gemeinde* councils being chosen in January, 1946, rural county councils (*Landkreise*) in April, and city-county councils (*Stadtkreise*) in May. Similar elections were held in the British, French, and Soviet Zones, and also in Berlin, during the course of 1946. These local councils in turn elected *Bürgermeister*, *Landräte*, and other leading local officials.

It was these local officials who took the lead in reestablishing unions of local authorities like those which had existed before 1933. This was a

¹ See F. M. Marx, "The New Roof over German Local Government," *National Municipal Review*, Vol. 23, pp. 255-257 (1934).

perfectly natural development. Many of the local officials had been active in the pre-1933 unions and had been ousted by the Nazis. Moreover, the very magnitude of the problems confronting local governments after the end of the war was such as to make common counsel and conferences desirable.

Meetings of *Bürgermeister* began toward the end of 1945 while the *Bürgermeister* were still Military Government appointees. At that time, the larger cities of Hesse organized the *Hessischer Städteverband*. The *Württemberg-Baden Städteverband* was also established in 1945, with the other *Länder* of the U. S. and British Zones following suit in 1946. In July, 1946, British Military Government approved the formation of the *Städtetag* of the British Zone.

Interzonal city conferences were held also—in Munich (July, 1946), Cologne (September, 1946), Stuttgart (November, 1946), Wiesbaden (March, 1947), and Goslar (July, 1947). Although these were open to the large cities of all four Zones, very few municipal officials from the Soviet and French Zones were allowed to attend. At the Wiesbaden conference, it was voted to revive the *Deutscher Städtetag* on the basis of the existing unions of the U.S. and British Zones, but without prejudice to cities of the Soviet and French Zones which might wish to join. As before 1933, the larger cities have direct membership while other cities have membership through the state union to which they belong. Berlin was voted into the *Städtetag* at the Goslar conference, but thus far there have been no additions from the Soviet and French Zones.

The *Deutscher Städtetag* of 1947 is much like the *Deutscher Städtetag* of 1932, being primarily an organization of the larger cities represented through their *Oberbürgermeister* and other officials. Similar developments have taken place in the U.S. and British Zones with respect to the revival of other unions of local authorities. There is now a bizonal *Reichsstädtebund* for the medium and smaller cities, and a bizonal *Deutscher Landkreistag* for the rural counties. The *Landgemeinden* of the two zones are also in the process of being organized on a state basis, but no bizonal union has as yet been established.

Little has been done in the Soviet and French Zones with respect to the reestablishment of unions of local authorities. A few informal meetings of local officials have been held in various states of the Soviet Zone, but no formal organizations have been created. The French have belatedly authorized associations of local authorities, but only for the states of their Zone. They are opposed to any connections outside of the French Zone until the Allies shall have agreed upon the answers to basic territorial, political, and economic questions involving Germany as a whole. In August, 1947, a *Städteverband* for the larger cities of Rhineland-Palatinate

was created. Similar organizations are in preparation for South Baden and for South Württemberg-Hohenzollern.

The work of these revived unions is carried on through small staffs, through special committees of local officials, and through periodic meetings and conferences at which the committees report and at which there is general discussion of common problems. The agenda of these meetings resemble those of similar organizations in other countries, but in addition there are many questions of an emergency character. The latter particularly relate to food and rationing, fuel supply (both for domestic heating and for industrial purposes), and repair of dwellings and other buildings. It must be remembered that the German economy is one of acute shortages which plague the local *Bürgermeister* and *Landrat* day and night. In addition, there are tens of thousands of expellees and refugees for whom some sort of accommodations must be provided. Because of the heavy destruction in cities, the burden of sheltering these uprooted people falls especially upon the rural counties and communes.

Because so much of state legislation directly or indirectly affects local governments, the local authorities naturally wish to participate in the framing of that legislation, or at least to have an opportunity to be heard. This applies particularly to the basic local-government codes such as the *Gemeindeordnungen* and *Kreisordnungen*. Representative city officials have even criticized Military Government for insisting that certain provisions be included in the local-government codes. For example, the old-time *Oberbürgermeister* dislikes the division of authority between the *Oberbürgermeister* and the *Oberstadtdirektor* which the British have insisted upon. It is too British; one should not try to foist upon German local government institutions foreign to it. Again, American insistence upon having the *Landrat* elected by the county council instead of appointed by the state has been strongly opposed.

However, in the long run, the most crucial problem, both in Germany and elsewhere, is finance. The unions of local authorities have constantly emphasized the necessity of having their own revenues which they themselves raise and spend. But since these revenues are entirely inadequate to meet fiscal needs, the further question of finance equalization (*Finanzausgleich*) looms very large. By what formulas and under what conditions can revenues raised by the states be most equitably distributed among the local authorities? This is indeed a thorny question, but one which goes to the heart of local autonomy.

The relations of the various unions of local authorities with each other are still in process of development. Prior to 1933, all had their separate headquarters in Berlin and maintained contact with each other through an informal joint committee (*Arbeitsgemeinschaft*). This *Arbeitsgemeinschaft*

has now been restored, but its functioning has been hampered by the fact that the union headquarters are located in different places—for example, the *Städteetag* in Bad Godesburg near Cologne, the *Reichsstädtebund* in Ratingen near Düsseldorf, and the *Landkreistag* in Frankfurt-am-Main. It would be advantageous if the headquarters were all located in the same city in close physical proximity to each other, so that joint use could be made of library and information services as is the case with the various American organizations having headquarters at 1313 East 60th St., Chicago.

Recently there has been discussion in the Civil Administration Committee of the Allied Control Authority of the possibility of using the facilities of the *Deutscher Gemeindetag* in Berlin as a library and information center for German cities and other local authorities. The proposal has strong support from the reorganized German unions of local authorities, but early action is unlikely for two reasons. In the first place, certain of the Allies (for example, the French) are inclined to believe that such a move is a step toward the revival of the Nazi-created *Deutscher Gemeindetag*. U. S. Military Government does not share this view, but merely insists upon certain principles. Thus the unions of local authorities must be voluntary and not compulsory. Moreover, since U. S. policy emphasizes federalism and decentralization, unions of local authorities should be organized by states and then federated into a larger organization. This is now the case with the *Deutscher Städteetag*. Although the larger cities are direct members of the *Städteetag*, the state leagues of cities are also members and have their separate state meetings from time to time. So long as these two principles are observed, U. S. Military Government has no objection to the unions of local authorities developing certain common facilities, whether in Berlin or elsewhere.

The second reason why no early action is to be expected on the proposal to use the *Deutscher Gemeindetag* library as an information center is that all such questions are being deferred until after the Council of Foreign Ministers meets in London in November. If the Council fails to reach agreement and it is decided to proceed with the further governmental organization of the three Western Zones, it would be better for the unions of local authorities to have their common library and information center at some convenient point in Western Germany.

In conclusion, a few words may be said about the relation of the reconstituted German unions of local authorities to the International Union of Local Authorities established in 1913 with headquarters in Brussels. From 1926 onward, the *Deutscher Städteetag* belonged to the International Union. The Nazi-created *Deutscher Gemeindetag* took over the membership in the International Union, and the Sixth Congress of the Union was held in Berlin (1936). With the coming of World War II, the International

Union passed under German control and remained so until the liberation of Brussels.

The Seventh International Congress of Local Authorities met in Paris in July, 1947. U. S. Military Government took the lead in inquiring if representatives of the reestablished German unions might be invited to the Congress, at least as observers. The suggestion, however, was rejected by the International Union, on the ground that it was premature and might give rise to unfortunate incidents at the Congress. U. S. Military Government, thereupon decided to send a delegation of Military Government officials to the Paris meeting. The author was head of this delegation. It was hoped that a statement might be made with reference to what was being done in Germany to revive local self-government and to reestablish the German unions of local authorities as they were before 1933. However, by formal vote of the Congress, the Military Government delegation was denied the right to speak, on the ground that anything about Germany was "a controversial question." In view of what the local governments of France, Belgium, Holland, Poland, Czechoslovakia, and other countries suffered at the hands of the Nazis, this action is understandable. Nevertheless, if Germany is to become a peace-loving member of the family of nations, it is important that normal contacts with the outside world be speedily restored. Among such contacts are those afforded by the International Union of Local Authorities and its constituent national organizations.

Local self-government in Germany has a long and difficult road ahead of it. However, the work of restoration has been successfully begun. Given a solution of the major economic and political questions involving Germany as a whole, there is reason to hope that it will continue to develop.

INTERNATIONAL AFFAIRS

IS A PEACE TREATY WITH GERMANY LEGALLY POSSIBLE AND POLITICALLY DESIRABLE?

HANS Kelsen

University of California

I

By its complete defeat, the surrender of its armed force, and the abolishment of its national government, Germany has ceased to exist as a sovereign state and subject of international law.¹ By the Declaration of Berlin, June 5, 1945, the four Powers occupying the country—the United States of America, the United Kingdom, the Soviet Union, and the French Republic—assumed “supreme authority with respect to Germany including all powers possessed by the German Government, the High Command, and any state, municipal, or local government or authority.” This meant that the four occupant Powers have assumed sovereignty over the former German territory and its population, though the term “sovereignty” was not used in the text of the Declaration. The four occupant Powers exercise their joint sovereignty through the Control Council, established at Berlin as the legitimate successor of the last national government of Germany. All this is in complete conformity with general international law, which authorizes a victorious state, after so-called *debellatio* of its opponent, to establish its own sovereignty over the territory and population of the subjugated state. *Debellatio* implies automatic termination of the state of war. Hence, a peace treaty with Germany is legally not possible. For a peace treaty presupposes the continued existence of the opponent belligerents as subjects of international law and a legal state of war in their mutual relations.

The opposite doctrine, advocated by some authorities and governments, that Germany, in spite of the fact that there exists no independent national government, not even a “government in exile,” still exists as a sovereign state, that the four occupant Powers are not the sovereigns in relation to the German territory and its population, that they only exercise Germany’s sovereignty just as a warden exercises the rights of his ward, is manifestly based on a legal fiction. According to international law, a community is a state if, and as long as, a certain population is living on a definite territory under an independent government. If one of these three essential elements of a state in the sense of international law is missing, the state as a subject

¹ Cf. the author’s article, “The Legal Status of Germany,” etc., “*American Journal of International Law*,” Vol. 39 (1945), pp. 518–526.

of international law disappears, or, in other words, the community ceases to exist as a sovereign state. No state can exercise the sovereignty of another state. State sovereignty does not permit representation or substitution.

Legal fictions should be avoided in clear juristic thinking. However, it is understandable that politicians should be inclined to use legal fictions if such fictions are politically advantageous. The legal fiction that Germany still exists as a sovereign state has no such advantage. On the contrary: if Germany still exists as a sovereign state, the occupation of the country must be interpreted as *occupatio bellica* under the Fourth Hague Convention; and many measures taken by the occupant Powers constitute violations of this Convention, for which a future German government might hold the occupant Powers legally responsible. Non-application of the Hague Convention is possible only under the assumption that Germany has ceased to exist as a sovereign state and that the occupant Powers have extended their own sovereignty over the former German territory and its population. The argument that the occupant Powers are not the sovereigns in relation to the occupied territory because they do not intend to "annex" it is of no importance; for sovereignty over a territory can be established not only for the purpose of incorporating it definitely into the territory of the occupant Power, but also for that of ceding it later to another state, or of establishing on the territory a new state. It is the last-mentioned alternative which exactly applies to the occupation of the former German territory.

That Germany has ceased to exist as a sovereign state does not prevent the occupant Powers from creating a new German state. But it is at least doubtful whether the new state would be legally identical with the German Reich as it existed at the outbreak of World War II. There certainly will be no legal continuity in the relation between the German Reich and the new German state from the point of view of German national law. The legal order which will be the basis of New Germany cannot come into existence in conformity with the constitution of the old German Reich, which has definitely lost its validity. From the point of view of international law at least, no direct continuity will exist, since between the German Reich defeated in World War II and the new Germany there will have been a period during which no German state as a subject of international law existed. New Germany cannot be the direct successor of old Germany; it will be the successor of the *condominium* exercised by the four occupant Powers as sovereigns over the former German territory and its population. As to the identity of the new with the old German state, the fact—important from the viewpoint of international law—must be taken into consideration that the territory of the new state will be quite different from that of the old state, since vital parts of it have already been annexed by

Poland and the Soviet Union and will probably not be assigned to the new German state. Identity of territory is—besides legal continuity—a criterion of the identity of a state. Non-identity of the new with the old German state must certainly be recognized in case no peace settlement with respect to Germany as a whole proves possible, and Germany is divided into two states according to the line separating the territory occupied by the Soviet Union from the territory occupied by the other three Powers. Neither of these two states could be considered as identical with the German Reich; with neither of them could a peace treaty be concluded. The four Powers which, for the time being, are the sovereigns over the former German territory and its population may, it is true, conclude a treaty with the new state; or the three Western Powers may conclude a treaty with the new state set up on the territory occupied by them. But such treaty could not have the character of a peace treaty in the true sense of the term. However, such a treaty could contain the same provisions which a peace treaty with Germany, if it were legally possible, would have contained with respect to territorial changes, reparations, and the like.

II

There can be little doubt that such a treaty is politically not desirable. The victors should not repeat the mistake, made after the First World War, of burdening the government of a democratic Germany with political responsibility for a peace settlement whose harshness had been made necessary by the guilt of a previous autocratic or totalitarian government. In Hitler's propaganda against the Weimar Republic, political responsibility for the Treaty of Versailles played the most important rôle. The responsibility which the new democratic government of Germany assumed by signing the Treaty of Versailles destroyed the Weimar Republic and opened the way to the Nazis. It is, besides, very doubtful whether it will be possible to find an honest German statesman willing to sign a treaty by which vital parts of German territory are ceded to Poland and the Soviet Union and the forcible transfer of many millions of Germans from their homeland into the overcrowded remaining territory is recognized. A German statesman who signs his name to such treaty would certainly share the fate of Erzberger, slain for having signed a much milder treaty. There can be little doubt that, under the pressure of inevitable nationalistic propaganda, the German people would consider such a treaty null and void because enforced upon them, just as they considered the Versailles Treaty as "dictated" and consequently not binding. This reaction, from the point of view of international law, is certainly not correct; but what is the political value of a treaty when those committed to the execution of it consider themselves not morally obligated?

provide that responsible for a violation of the obligations laid down in Annex I are the new state collectively according to general international law and the members of its government individually according to the principles laid down in Annex II to the Act of Foundation. This Annex should contain provisions concerning the establishment of an international court and legal rules constituting individual criminal and civil responsibility for violations of the international obligations determined in Annex I. Article 5 should decree that the constitution of the new state shall contain a clause to the effect that Articles 1-4 of the Act of Foundation (including Annexes I and II) form an integral part of the constitution, and that this part of the constitution can be changed only with the consent of the Powers by which the new state has been created. By such a provision, the same effect would be achieved as by an international treaty entered into with the new state: no change by a unilateral act of the new state would be possible. The international obligations stipulated in Annex I would have been not only imposed on the new state by its creators, but also assumed by the entire people represented in the constituent assembly. Article 6 should enact that the constitution of the new state shall be established by a Constituent Assembly to be elected according to regulations laid down in Annex III to the Act of Foundation. Article 7 should stipulate that as soon as the constitution, in conformity with the foregoing Articles, has come into force and a national government, in conformity with the constitution, has been established, the Control Council—or, if only the establishment of Western Germany comes into consideration, an analogous organ of the three occupant Powers—shall confer upon this government full sovereignty over its territory, and that this act shall imply the recognition of the new state and its government on the part of the creating powers. A last Article should charge the Control Council, or an analogous organ for Western Germany, with the execution of the Act of Foundation.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Reprints of the symposium, "Ten Years of the Supreme Court: 1937-1947," begun in this issue, will be available only for filling orders received by the Managing Editor *within three weeks* after the February issue appears. The price for reprints, complete and with covers, will be twenty-five cents per copy, which will barely cover costs.

To avoid extra expense, which has become considerable, members of the Association are urgently requested to transmit to the Managing Editor items intended for the News and Notes pages in time to reach him not later than the twentieth of the *second* month preceding publication, *e.g.*, for the April issue, by February 20. Otherwise, they must be inserted in galley proof or held over.

The Nominating Committee of the American Political Science Association presents the following nominations for officers for 1948, to be acted upon at the Association's annual business meeting: president, Henry R. Spencer, Ohio State University; vice-presidents, Hans Kelsen, University of California; Estes Kefauver, member of Congress; and Roscoe C. Martin, University of Alabama; members of the Executive Council, 1948-50: Harold F. Alderfer, Pennsylvania State College; Ben Cherrington, University of Denver; Merle Fainsod, Harvard University; J. M. Ray, University of Maryland; and J. B. Shannon, University of Kentucky. The members of the Nominating Committee are: Charles Aikin, University of California; D. F. Fleming, Vanderbilt University; John M. Gaus, Harvard University; Alpheus T. Mason, Princeton University; and Harold Zink, DePauw University (*chairman*).

While on leave during the fall term, Professor Harwood L. Childs, of Princeton University, has been carrying forward work on a general volume on public opinion.

During Professor Thomas S. Barclay's absence from Stanford University while teaching during the fall at the University of Illinois, his courses have been in charge of Professor Robert R. Rankin, of Duke University.

After his return from sabbatical leave, Professor Charles Fairman was appointed to the faculty of the Stanford Law School, where he will offer courses in international law and seminars in the field of public law. He, however, will devote half of his time to the department of political science. Professor Philip W. Buck is continuing as acting chairman of the department.

On October 30, Professor Alpheus T. Mason, of Princeton University, delivered the Henry Wells Lawrence Memorial Lecture at Connecticut College on the subject of "Liberalism."

Professor Paul T. Stafford, of Princeton University, is on leave and serving as consultant to the New Jersey Civil Service Commission, with particular responsibility for the transfer of former United States Employment Service activities to the Employment Service Division of the New Jersey Unemployment Compensation Commission.

Professor Lloyd M. Short, of the University of Minnesota, is serving as chairman of a twenty-one-member commission created by the 1947 legislature to study the Minnesota constitution with a view to its amendment or revision. Professor William Anderson will serve as a member of the commission's study committee on local government. Professor Short received a LL.D. degree from his alma mater, Knox College, at the commencement exercises last June.

During the current year, Professor Amry Vandenbosch, of the University of Kentucky, is serving as visiting professor at Northwestern University.

Professor Malbone W. Graham is on leave from the University of California at Los Angeles during the current semester. After a year in Australia and New Zealand, Professor Dean E. McHenry is again in residence.

At the University of California at Los Angeles, Professor D. E. McHenry has been appointed dean of the social science division of the College of Letters and Science.

For the Public Library Inquiry, sponsored by the Social Science Research Council, Professor James L. McCamy, of the University of Wisconsin, will survey government publications and public libraries.

Professors J. A. C. Grant and H. Arthur Steiner have been appointed by President Robert Gordon Sproul to serve as members of the planning committee for the Law School at U.C.L.A., recently authorized by the legislature. Announcement of the beginning of instruction in the new school will be made at a later time.

At Duke University, Professor Taylor Cole, who resumed his professorship in September upon his return from spending a period of study in Canada as a Guggenheim Fellow, has been appointed director of graduate studies in political science.

During the autumn quarter, Dr. Alexander Meiklejohn gave three

lectures at the University of Chicago on the subject, "Free Speech and Justice Holmes," and Professor Walton H. Hamilton gave a series on "The Politics of Industry," both under the auspices of the Charles R. Walgreen Foundation.

Dr. Julian Towster began work at the University of Chicago in the fall quarter as assistant professor of political science, in the fields of international relations and Soviet foreign policy and government.

Dr. David B. Truman has resigned as assistant professor of government at Harvard University to accept an associate professorship at Williams College. Williams has recently been given the punch cards and other data from the *Fortune Survey* by Mr. Elmo Roper, and Dr. Truman's principal assignment will be the exploitation of these materials for teaching purposes, with emphasis on the substantive aspects of the data rather than on technics.

Dr. William C. Rogers has resigned from Public Administration Clearing House to accept an appointment at the University of Virginia as research associate of the Bureau of Public Administration and assistant professor of political science. Mr. Joseph S. Toner has been appointed assistant to the director of the Clearing House, and his duties will include general supervision of the Personnel Exchange.

Professor Graham H. Stuart, of Stanford University, spent the past summer in Washington working on a history of the Department of State.

Professor Charles W. Kneier, of the University of Illinois, has been granted leave of absence for the second semester to make a study of state supervision over municipally owned utilities.

Professor A. N. Christensen is on leave from the University of Minnesota during the current quarter and is serving as visiting professor at the Central University at Caracas, Venezuela. On his return trip to Minnesota, he will lecture at universities in Central America and Mexico.

During the past summer, Professor Harold Zink, of DePauw University, served as visiting professor at the University of Colorado. A new appointee as assistant professor at DePauw is Mr. Virgil B. Zimmerman, formerly of OPA and the University of West Virginia.

No one has as yet been appointed to conduct the course in Oriental politics very successfully taught for many years at the State University of Iowa by the distinguished Oriental scholar, Dr. Sudhindra Bose, who died on May 26, 1946.

Dr. Jack T. Johnson has been promoted to the rank of associate pro-

fessor at the State University of Iowa, where he has organized and is presenting a new type of course entitled "Man and Society." It is a general education course in the field of social science.

Dr. Marian Irish has been appointed head of the newly created department of political science at the University of Florida. Messrs. Elston Roady and Charles Clapp have been appointed instructors. Miss Daisy Parker is on leave while doing graduate work at the University of Virginia.

Dr. John H. E. Fried, now on leave from the International Labor Office, is in Nuernberg as legal consultant to the tribunals which are trying German war criminals.

Mr. Nelson E. Taylor, Jr., has been appointed assistant professor of government at Tufts College.

Professor Frank H. Jonas, of the University of Utah, has been named by the governor of the state as his appointee to the Utah State Legislative Council. He also has been elected chairman of the Veterans Council, Utah State Department of Veterans Affairs.

Dr. H. K. Hossom has resigned from the staff of the National Labor Relations Board in Seattle to accept an instructorship at the University of Washington.

Professor Wilfred E. Binkley, of Ohio Northern University, represented the American Political Science Association at the inauguration of the new president of Findlay College on November 19. Somewhat earlier, Professor Francis G. Wilson, of the University of Illinois, served in the same capacity at inaugural exercises at Illinois Wesleyan University.

Dr. James H. Meisel, who has been serving as lecturer in political science at the University of Michigan, has been appointed assistant professor.

Professor John Bassett Moore, of Columbia University, tenth president of the American Political Science Association, died at his home in New York City on November 12 at the age of eighty-six. A memorial will appear in the next issue of the REVIEW.

During the absence of Professor Henry S. Commager, of Columbia University, while lecturing at Cambridge University, his lectures in the course on American constitutional history at Columbia are being delivered by Professor Edward S. Corwin, of Princeton University.

During October, Professor Carl B. Swisher, of Johns Hopkins University, delivered at Boston University the Gaspar G. Bacon Lectures on the

Constitution of the United States. His lectures were entitled "The Post-War Constitution."

Dr. Donald C. Stone, assistant director in charge of administrative management, United States Bureau of the Budget, served as chairman of the United States delegation to the Berne meeting of the International Congress of Administrative Sciences and is now acting as adviser to the United States delegation to the 1947 General Assembly of the United Nations and as a member of the Assembly's standing committee on administrative and budgetary questions.

Post-War Constitutions of the World, by Henry H. Collins, Jr., has recently been released by Microfilm Service. Consisting of some twenty constitutions, and aggregating about five hundred pages of text, the collection can be had at ten dollars a copy from the Microfilm Service, 2153 Florida Ave., N.W., Washington, D. C.

The Institute of Citizenship at Kansas State College is sponsoring a series of eleven late afternoon lectures on "The United States and Russia in World Politics." The historical, economic, psychological, linguistic, military, scientific, and philosophical aspects of relations between the two countries are presented by staff members of the appropriate departments.

Professor Erich Hula, of the New School for Social Research, gave a graduate course on International Organization at Fordham University during the fall term, and will offer a seminar there on Problems of International Government and Politics during the Spring term.

At Ripon College, Mr. William Fleming, J.D., University of Freiburg, 1933, has been appointed assistant professor and chairman of the newly established department of political science.

At Occidental College, Dr. Howard J. McMurray, former member of Congress from Milwaukee, and later lecturer in political science at the University of Wisconsin, has been appointed professor of public administration and director of the curriculum in applied politics and economics; and Dr. Richard Reath, formerly of the University of Idaho, has been made assistant professor of political science.

At Williams College, Dr. Vincent M. Barnett, Jr., chairman of the department of political science, has been promoted to a full professorship effective July 1, 1948. Dr. James M. Burns has been appointed assistant professor and Mr. Walter S. Wilmot, Jr., instructor.

After an extended period in government employ, Professor John T.

III

What, then, is the politically adequate legal form for settling the German question? Since the future German state will be a new state, it must be created by the governments of the states which have the sovereignty over the territory concerned. This is what in reality must and will happen. The new German state can come into existence only by an act of the occupant Powers. They may, directly or indirectly, appoint a central German government or order general elections for the establishment of such a government, or of a constituent assembly empowered to create it. The creative act will always be a sovereign act of the occupant Powers. It is of the utmost importance that the legal procedure which these Powers adopt shall be in conformity with political reality. This will be the case if the new German state is created by an international agreement of the states which have the legal power to create it, since they possess the sovereignty over the territory and the population concerned. There are precedents in international law for the creation of a new state by international agreement. The most recent ones are the creation of the State of Danzig by the Treaty of Versailles and the creation of the State of the Vatican City by the treaty of February 11, 1929, concluded between Italy and the Holy See. To both of these treaties, the state to be created was not, and could not be, a contracting party. By both, international obligations were imposed upon the new state in spite of the fact that it was not a contracting party. A treaty by which a new state is created is one of the few exceptions to the rule that a treaty can impose obligations only upon the contracting states.² Hence the treaty by which the new German state (or the new state of Western Germany) is created may contain all the obligations which the victorious states wish to impose upon the new German (or Western German) state.

The fact that there will be no (or no direct) legal continuity, and consequently no legal identity, in the relation between Nazi Germany and the future democratic Germany (or Western Germany) might facilitate the development of a new political philosophy as an ideological basis of the new state. The legal procedure here suggested has the further advantage that it would be in harmony with political reality, and particularly that conflict would be avoided between the idea of a treaty voluntarily entered into by a vanquished state and the fact that this state is forced to accept the conditions laid down in the treaty; and, finally, that since there will be no peace treaty at all, no separate peace treaty would be necessary, what-

² Cf. my articles, "Traité internationaux à la charge d'États tiers," *Mélanges Offerts à Ernest Mahaim* (Paris, 1935), II, 164-172; and "Contributions à la théorie du traité international," *Revue Internationale de la Théorie du Droit*, X, 253-292 (1936).

ever political situation may exist with respect to the relation between the Soviet Union and the Western Powers.

IV

The act by which the new German state is to be created can be performed only by the occupant Powers. It must be preceded by an international agreement entered into by these states, on the one hand, and the other states which were at war with Germany, on the other hand; and the purpose of this agreement must be to determine the obligations to be imposed upon the new German state by its creators. By this agreement, the occupant Powers will assume responsibility for erecting the new German state as an international subject bound by the stipulated obligations.

The creative act itself may be called a "Declaration of the United States of America, the United Kingdom, the Soviet Union, and the French Republic concerning the reestablishment of New Germany (Act of Foundation"; or "Declaration of the United States of America, the United Kingdom, and the French Republic concerning the establishment of Western Germany." The act would have the character of an international agreement in the relations of the occupant Powers with one another and of a legislative act in their relation with the occupied territory and its population. Its preamble might read as follows: "The United States, the United Kingdom, etc., with the purpose of reestablishing on the territory jointly occupied by them, Germany (or of establishing Western Germany) as a sovereign state, agree and order" Article 1 should determine the territory of the new state. Thus no cession of territory on the part of the new German government would be necessary. The new state would come into existence with the territory assigned to it by its creators. Article 2 should stipulate that the new German state shall always have the structure of a federal state and a democratic constitution; that is to say, that certain matters must be decentralized with respect to legislation as well as administration, and that the members of the central and local legislative bodies and of the central and local governments shall be elected by the people according to the principles of equal, secret, and personal suffrage of men and women who have completed their twenty-first year of age, without regard to race, religion, rank, or class, and that freedom of conscience, religion, press, speech, association, and especially freedom of political parties must be guaranteed. Thus the fundamental principles of the constitution of the new state would be determined by the Act of Foundation. Article 3 should provide that the new state shall be subject to the international obligations determined in Annex I to the Act of Foundation. This Annex should contain the stipulations which, under normal circumstances, would have been laid down in the peace treaty. Article 4 should

Salter has resumed teaching at the University of Wisconsin in the field of political parties and public opinion.

During the past summer, Professor William Ebenstein, of Princeton University, visited Germany, Czechoslovakia, France, and several other European countries. During the spring term of 1948, he will visit various countries in South America, spending the greater part of his time investigating political conditions in Argentina.

Professor Eric C. Bellquist has returned to his post at the University of California following a leave of absence for the 1947 spring semester, during which time he resumed direction, as chief, of the European Division, OCI, Department of State.

Professor Winston W. Crouch is on a year's leave from the University of California at Los Angeles and is associated with the staff of the American Institute for Public Affairs.

Under a policy of rotation, Professor Carl B. Swisher has been succeeded by Professor V. O. Key, Jr., as chairman of the department of political science at the Johns Hopkins University.

Dr. Alex N. Dragnich has resigned his assistant professorship at Western Reserve University to accept a State Department appointment as cultural attaché at Belgrade, Yugoslavia.

At the University of Oregon, Dr. Charles P. Schleicher, formerly of the Department of State, has been appointed to a full professorship and Drs. Howard E. Dean and Leon Epstein, of Columbia University and the University of Chicago, respectively, have been made assistant professors.

At Duke University, Mr. Earl T. Hanson has been promoted to an assistant professorship; Dr. Leon Ellis, recently of Princeton University, has been appointed lecturer in Far Eastern government; and Rosa Sawyer Cheek, has become a part-time instructor in the Women's College.

New staff members in political science at the University of Kansas are Messrs. James Drury, previously of Princeton University, Russell H. Barrett, John Conard, and Rhoten A. Smith, of Kansas, and Miss Marian Ridgeway, of Washington State College.

Dr. William Miller, lecturer in politics and a member of the Princeton Surveys, is currently serving as director of research for the State Commission on Postwar Economic Welfare. The commission recently submitted a report and enabling legislation to provide health insurance for New Jersey state employees.

After a war leave of four and one-half years, Professor O. W. Wilson has

resumed his teaching at the University of California in the field of police administration. As Lieutenant Colonel, and, later, Colonel, Professor Wilson served with AFHQ, SHAEF, and OMGUS, in Italy, England, and Germany.

At Stanford University, Professor Harold Berman, who offers courses in comparative law in the Law School, will offer courses in the government and administration of the Soviet Union for the department of political science during the winter and spring quarters.

Dr. Richard H. Heindel, formerly chief of the Division of Libraries and Institutes in the Department of State, is working for a period of two months as a staff associate of the Public Library Inquiry of the SSRC, and is preparing a report on foreign libraries and publishing and the international structure and outlook in this field. In October, he was appointed to the professional staff of the United States Senate Committee on foreign relations.

Mr. Robert C. Bates, Rhodes Scholar and Oxford M. A., has been engaged to teach the courses in international law and elements of jurisprudence at Montana State University.

Professor John F. Sly, of Princeton University, prepared materials and appeared before the committee on taxation and finance in regard to the tax article drafted by the recent New Jersey state constitutional convention. Dr. William Miller, of the Princeton Surveys, served as counsel to the committee on the executive article, and he, Mr. James Arnold, and Miss Isobel Muirhead, of the Princeton Surveys, prepared several preliminary memoranda for use by the convention.

Dr. Russell G. Whitesel, who received a doctor's degree in political science last August at Cornell University, has been appointed to an assistant professorship at the State University of Iowa, where he is teaching courses in American government and comparative foreign governments.

Professor Joseph S. Roucek, of Hofstra College, was a visiting professor at the University of Washington during the past summer and also lectured at the University of British Columbia. Mr. Ernest F. Acheson, recently of Syracuse University, has been appointed instructor at Hofstra.

Among persons appointed to the Advisory Council which, in accordance with action of Congress during its last session, will undertake a full investigation of the social security program are Mr. Frank Bane, executive director of the Council of State Governments and former executive director of the Federal Social Security Board, and Mr. John Miller, assistant director of the National Planning Association.

Professor William S. Carpenter, of Princeton University, has been reappointed president of the New Jersey Civil Service Commission, which is currently engaged in extending the state civil service system to communities hitherto uncovered, and in devising new types of objective examinations. Professor Carpenter is also serving as consultant to the United States Civil Service Commission on its committee on college-federal agency cooperation.

At Princeton University, a new course on "Basic Factors in Politics" is being taught for the first time this term under the direction of Assistant Professors Richard C. Snyder and Hubert H. Wilson. The course treats the demographic background of politics, the impacts of group conflict, problems of science and technology, national and individual political psychology, and other bases of political attitudes and structures.

At Indiana University, new appointments in the department of government include W. Richard Lomax, formerly director of civilian personnel in the Marine Corps, as assistant professor and director of the Institute for Training in Public Service; Byrum E. Carter, Burchard R. Davidson, and Garland A. Haas as instructors; and Miss Mary E. Swain as lecturer.

Recent appointees at the University of California at Los Angeles include Dr. Robert G. Neumann, last year lecturer at the University of Wisconsin, and Dr. Charles R. Nixon, formerly of Smith College, as assistant professors; Dr. Gilbert R. Barnhardt, formerly tutor at Harvard University, as instructor; and Mr. Daniel S. McHargue as part-time lecturer for the first semester.

At Brown University, Dr. Murray S. Stedman, Jr., formerly an instructor at Columbia University, where he also completed his work for the doctorate, and Mr. George A. Lanyi, who is completing his work for the doctorate at Harvard University, have been appointed assistant professors.

Several additions have been made to the staff of the department of history and political science at the University of Utah. These include Dr. Helmut G. Callis as professor of history and political science, Dr. Franz B. Schick as associate professor of political science, and Mr. Ellsworth E. Weaver as lecturer in political science. Dr. O. Meredith Wilson, formerly at the University of Chicago, has been appointed dean of the School of Arts and Sciences and will also assist in the political science department, offering a course on American foreign policy.

Dr. Dell G. Hitchner, formerly of the University of Wichita, has accepted an assistant professorship at the University of Washington.

On October 13, Dr. Robert Strausz-Hupé, of the University of Pennsylvania, addressed the Industrial College of the Armed Forces in Washington on the subject of "Political Geography."

New instructors added to the staff at the University of Pennsylvania are Messrs. Lyman D. Wooster, Garold W. Thum, and C. Edwin Gilmore.

After sixteen months as officer in charge of public administration in the military government of Yamanashi prefecture, Japan, Mr. Ralph J. D. Braibanti has returned to the Maxwell Graduate School of Syracuse University. From data compiled in Japan, he is now working on his doctoral dissertation, which will deal with American military government in Japan at the prefectural level.

Dr. Totton J. Anderson, formerly dean of Ventura Junior College, has been appointed associate professor at the University of Southern California.

Mr. Coleman B. Ransone, Jr., has been appointed to an instructorship at the University of Alabama.

At the University of Wyoming, Dr. Egbert S. Wengert, formerly of Sweetbriar College, has been appointed professor of political science and head of the department; Dr. Hedley V. Cooke, long in the Foreign Service and last year at Vanderbilt University, has been appointed assistant professor; and Mr. Daniel W. Tuttle, recently a graduate student at the University of Minnesota, has been appointed instructor. After teaching in the department since 1920, Professor Henry J. Peterson has retired.

Professor Hans Simons, of the Graduate Faculty, New School for Social Research, has received a one-year leave to accept the position of chief of the Governmental Structure Branch in the Civil Administration Division of the Office of Military Government for Germany (U.S.).

Dr. Arnold Brecht, of the Graduate Faculty, New School for Social Research, has been invited by the Lord Mayor and Senate of the Land and City of Hamburg, Germany, to represent Hamburg on the eight-man Executive Committee in Frankfurt-on-the-Main that is to become the executive branch of the bizonal German government. Hamburg was willing to appoint Dr. Brecht even if he chose to remain a United States citizen. After consultation with the State Department, which prefers this top governmental body to be composed exclusively of German citizens, Dr. Brecht has declined the offer.

Dr. Ossip K. Flechtheim, formerly of Bates College, served for more than a year as chief of the Ministries Section, Berlin Branch, Office of U. S. Chief of Counsel for War Crimes, also acting, after May, 1947, as chief of

the entire Berlin Branch. He used his residence in Germany to complete a study entitled "Die Kommunistische Partei Deutschlands in der Weimarer Republik" which is scheduled to appear this winter at Bollwerk Verlag, Offenbach-Main. Since his return to this country, he has been assistant professor of government and history at Colby College.

By request of the Citizens' Federal Committee on Education, an advisory committee in the Federal Security Agency, Professor George A. Graham, of Princeton University, has directed a study of the organization of federal activity in education. More than fifty educational programs were studied by Professor Graham's group, which completed its work and submitted a 300-page confidential report on October 6. Professor Graham was assisted by William A. Mitchell, assistant professor of government at the University of Virginia, and by Drs. Donald G. MacDonald and William W. Marvel, instructors at Princeton.

The 1937 report of the President's Committee on Administrative Management, entitled "Administrative Management in the Government of the United States," and long out of print, has been issued in facsimile reprint by Public Administration Service and can be purchased at a price of one dollar.

To meet the growing need in government for technical and professional personnel with supplementary training in administration, the department of political and social science at the Illinois Institute of Technology has recently established two graduate programs in public administration leading to the degree of master of science.

The seventeenth annual meeting of the Southern Political Science Association was held at Atlanta, Georgia, November 6-8. Among topics to which sessions were devoted were "Constitutional Revision in the Southern States," "International Organization and Collective Security," "The Political Philosophy of the South," and "The Electoral Process in the South." Representing the American Political Science Association, Professor Benjamin F. Wright, of Harvard University, spoke at a subscription dinner on "General Education and the Principles of Democracy," and, as president of the American Society for Public Administration, Professor Leonard D. White, of the University of Chicago, spoke on "The State and Local Chapters of the ASPA." The presidential address of Professor Robert J. Harris, of Louisiana State University, dealt with "The Decline of Judicial Review."

The Carnegie Corporation of New York has made a grant of \$75,000 for three years to assist in supporting an experimental course for seniors at Dartmouth College, to be known as the "Great Issues" course. The course

is now under way, and auxiliary to it a Public Affairs Laboratory has been established and equipped with government publications, newspapers and periodicals, and other materials. By means of lectures, members of the Dartmouth faculty orient the students in the various "issues" taken up, preparing them for special lectures by invited authorities and for grouped discussions. The plan was worked out during the past year by a special faculty committee.

At a meeting of Western political scientists held at Salt Lake City on November 29, a symposium on "Rocky Mountain Politics—the Picture for 1948" was led by Professor Thomas C. Donnelly, of the University of New Mexico, and round-tables on "Objectives of United States Foreign Policy" and "Current Developments in Local Government," by Professors Charles P. Schleicher, of the University of Oregon, and Henry K. Stanford, of the University of Denver, respectively. A luncheon meeting was addressed by Professor Charles Fairman, of Stanford University, and a business session was devoted to a proposal to organize a regional association in harmony with action taken a year ago by the Executive Council of the American Political Science Association.

The first meeting of the New York State Political Science Group was held at Syracuse, New York, October 3-5 and was attended by sixty persons. Topics of addresses or round-tables on a program arranged by Professor Herman C. Beyle, of Syracuse University, included "Political Science and the State Civil Service," "Education's Aid to the State," "The Introductory Course in Political Science," "Political Science and Local Research," "Civic Education and Community Leadership," and "Some Problems in the Control of Subversive Activity." Speakers and discussion leaders included Messrs. Henry J. McFarland, of the Department of Civil Service, and Frank Moore, State Comptroller, and Professors Henry Reiff, of St Lawrence University, W. E. Weller, of the University of Rochester, Robert E. Cushman, of Cornell University, and C. G. Post, of Vassar College. A committee, with Professor Henry Reiff as chairman, was appointed to arrange for next year's meeting and to carry on various other activities suggested at the meeting.

The Institute of Social Order, with headquarters at St. Louis University, is publishing a mimeographed bi-monthly *Political Science Service Letter*. Besides editorial notes, each issue reports activities among political scientists, offers hints and aids for the classroom, and notes recent literature of special interest. One bibliography has been published, intended for use in a course, Introduction to Political Science, and last year a symposium was run on "Democracy." The editor is Dr. R. C. Hartnett, director of the department of political science at the University of Detroit.

The *Service Letter* is intended chiefly for the twenty-seven colleges and universities conducted by the Jesuits in the United States, but the policy of the I.S.O. is to encourage membership in the American Political Science Association, a more active interest in it, and especially participation in the annual meetings. Persons who wish to see a copy of the *Service Letter* or to be put on its mailing list, without charge, should communicate with Miss Florence Zimmermann, 3115 S. Grand Blvd., St. Louis 18, Missouri.

On September 29-30, the Advisory Panel on Methods of Encouraging Political Participation of the American Political Science Association joined with the American Bar Association and the School of Law of New York University in sponsoring a Conference on "Citizen Participation in Public Affairs." Four half-day sessions, held at the Waldorf-Astoria Hotel, were devoted to: (1) The Citizen's Responsibility for the National Government; (2) The Citizen's Participation in State Government; (3) The Citizen's Participation in Local Government, and; (4) Educating the Citizen. President Arthur W. Macmahon presided at the second session, and the panel's chairman, Hugh A. Bone, served as discussion leader at the last session. Other members of the panel participated in the program and a number of political scientists from the area attended. The Conference was called on the occasion of the launching of the Citizenship Clearing House by Dean Arthur T. Vanderbilt of the New York University School of Law. One of the functions of the panel is to inquire into the implications and usefulness of the Clearing House to political scientists and to the Association. On October 11, a meeting was held at Yale University to present the project to political scientists in that area. Similar meetings will be held elsewhere during the autumn and winter, and a report on the Citizenship Clearing House will be made to the Association at the December meeting.

On June 19, 1947, a second meeting of a "Conference on the Distribution of Documentary Materials" was held under the auspices of the World Peace Foundation at the Woodrow Wilson Foundation in New York City. Representatives of fifteen private research organizations, six specialized agencies, the United Nations, the Department of State, and four of the larger educational foundations attended. Under discussion were the reports of four continuation committees appointed at the first conference in March, dealing with (1) library needs for indexing United Nations documents, (2) bibliographical servicing of documents on international relations, (3) distribution, sales, and comprehensiveness of publications of the Department of State, and (4) coöperation between private research groups. The conference reached two specific recommendations, both of which are shortly to be acted upon. First, it agreed that in lieu of official indices of United Nations and specialized agency documentation, a quarterly selected bibliography covering both printed and processed

documentation should be issued as at least a partial guide. With the assistance of the Carnegie Endowment, the Carnegie Corporation, and the Rockefeller Foundation, the World Peace Foundation has undertaken this assignment, and the first issue of *Documents of International Organizations: A Selected Bibliography* appeared in November under the guidance of an advisory committee composed of Philip C. Jessup, Verner Clapp, Walter R. Sharp, Ruth Savord, and Harry N. M. Winton. Second, the conference urged that there be at least annual publication of research projects actually in progress by private research organizations and institutions. This proposal has been accepted by the Carnegie Endowment for International Peace, which will publish such a report in the January issue of *International Conciliation*. The Conference, which is entirely an *ad hoc* body concerned primarily with devising ways and means of making more comprehensible the flood of documentation on international relations, decided to have at least one more meeting to follow up on some of the loose ends still left. Among these are further exploration of the increasing problem of an index to United Nations material of a comprehensive character which can be cared for only by an official agency, further investigation of and information about documentation of the specialized agencies, and additional concerted support for the publications program of the Department of State. Any additional meetings will be sponsored by the Carnegie Endowment for International Peace and will have Mr. Alger Hiss as chairman.

BOOK REVIEWS AND NOTICES

Time of Delirium. BY HERMAN RAUSCHNING. (New York: D. Appleton-Century Company. 1946. Pp. vii, 369. \$4.00.)

This volume is one of profound pessimism. Now and then the sun starts to break through the clouds, but is quickly overcome and in the end the sun sets forever apparently. Spengler's *Decline of the West* and Dr. Rauschning's earlier *Revolution of Nihilism* make it easy to understand what is here unfolded. In many darkened pages in great detail, one might almost say with enthusiasm, the author traces what he terms the "decadence of Western civilization" and elaborates the nihilistic phase of the great crisis. The "social impulses" of the West are gradually withering away, whether seen in socialism, nationalism, capitalism, or religion.

America has not escaped these destructive forces. "The intellectual status quo in America today is characterized by the incompleteness of the dialectical process of self-annihilation of ideologies and standards." The intellectuals are bankrupt, while youth is filled with the burning need for new interpretation of fragmentary knowledge. "England survives, but international relations are her Achilles' heel." France and Italy are likewise suffering from grave illness. The Russian internal problem is likewise a very difficult one.

Three tasks confront us. The first is the establishment of a genuinely constitutional free association of nations. The second is the overcoming of the "revolution-vs.-counter revolution antagonism in society." The third is the "overcoming of ideological perplexity by intimate experience of the reality of spiritual standards" (p. 356). But in the end these devices seem likely to prove futile. The Second World War has already become a World Civil War. "An actual Third World War would mean the end of the West, if not also the total annihilation of civilization itself" (p. 368).

At bottom, the problem, Dr. Rauschning concludes, is a moral question. But while he disclaims the rôle of a prophet of doom, he seems to be wholly and utterly discouraged as to any successful outcome. The crisis is mounting to delirium, but we may always reflect upon the "Great Peace" that can follow. Dr. Rauschning is sophisticated and erudite, but far from constructive and dynamic. He is at his best and apparently happiest when he preaches the gospel of doom in set terms, and weakest when he endeavors to show that he does not wholly mean it. In turn a Prussian soldier, a Junker, a Nazi leader, a vigorous critic of Nazism, taking refuge in Poland, Switzerland, France, and England—now in southern California awaiting his naturalization papers in 1947—it is clear that this dizzy process has left Dr. Rauschning profoundly attracted by "delirium" and with little

energy left for the building of a new synthesis of political, social, economic, and ethical forces.

CHARLES E. MERRIAM.

University of Chicago.

The Individual, the State, and World Government. BY A. C. EWING. (New York: The Macmillan Company. 1947. Pp. viii, 322. \$4.00.)

The author declares at the outset: "I wish in this book to see whether I as a philosopher, without venturing into detailed questions of current politics, can put forward any general ideas which might be of some help in striving for the solution of the great problems on which these practical questions turn in the last resort." The "great problems" to be considered are listed as follows: the question of the state and the rights of the individual, the question of democracy, and the question of the limitation of the nation-state with a view to the prevention of war. A fourth question, "socialism," is said to be "more a subject for the expert, here the economist," than are the others.

After thus stating his position, the author departs from it very rapidly by giving a good deal of attention to socialism, and by discussing such detailed questions of current politics as the social value of economic planning (p. 83); the place of the expert and that of the civil servant in democracy (pp. 128-149); the proper treatment of Germany in order to secure peace and a good international order (pp. 226-252); and several particular problems connected with the Charter of the United Nations (pp. 276-295).

Of course the discussion does deal with the chief questions mentioned, and does make frequent references to ethical principles; but it also abounds in statements of definite positions which are not necessary consequences of those principles, e.g.: "If we reject proportional representation, we are definitely sacrificing the democratic element to some extent in the interests of efficiency, and increasing greatly the rôle played in government by pure luck (p. 151); "Cabinet ministers and heads of departments in the Civil Service should delegate their powers more freely" (p. 169); and "There can be no doubt that every nation would be much better economically, and that many causes which might possibly lead eventually to war would be removed, if there were an effective system of international control in economic matters" (p. 253).

In both arrangement and style, the book gives the impression that it is a hasty compilation of ideas which may have been developed in lectures or discussions. An origin of this kind might help to explain such inconsistencies as: (1) the suggestion that the rights of the individual may be defined as powers or securities of a kind such that the individual can

rightly demand of others that they should normally not interfere with them" (p. 10), and the statement that considerations as to human potentialities "should be borne in mind by all who believe that the common man is unfit for real individual freedom or for democracy. It is his chief right to be made fitter" (p. 109); (2) or the remark, "I should like to say that the ethical laws governing the state are exactly the same as the ethical laws governing the individual, but there are real objections to saying this" (p. 181); and the conclusion, "What is required to end the nightmare of wars from which we periodically suffer is . . . merely the guidance of our political actions by reason (or common sense, if you like to put it that way) so far as to apply consistently to states those ethical principles which are generally recognized as applying to individuals" (p. 317).

There is much of value in the book, and it is pervaded by a realization of social necessities and a recognition of ethical imperatives. However, it cannot be considered an important contribution to political philosophy.

MIRIAM E. OATMAN.

Washington, D. C.

Man and the State. EDITED BY WILLIAM EBENSTEIN. (New York: Rinehart and Company, Inc. 1947. Pp. xvi, 781. \$5.00.)

It is the purpose of this book to present the major political ideas of modern Western civilization in the original sources. Each group of selections is preceded by an introductory essay explaining the significance of the selections and of their authors. Extensive critical bibliographies conclude the book. The organization of the book is novel. Happily, Professor Ebenstein conceives of political philosophy not as an antiquarian study, but as an intellectual enterprise which has a direct and vital bearing upon the political problem of the day. In consequence, he deviates in the organization of his material from the traditional chronological presentation in terms of individual philosophers, and arranges the selections according to the fundamental issues of contemporary political philosophy. Thus the book is divided into four parts: "The Foundation of Democracy"; "Anti-Democratic Thought"; "Capitalism, Socialism, Planning"; and "From Nationalism to World Order." These main divisions are subdivided into chapters illustrating the main ideas and problems.

Professor Ebenstein has executed his purpose with considerable originality and brilliance. The selection of authors and writings is generally judicious. The only serious deficiency in this respect is the omission of any selection representative of Catholic political thought; there is nothing in the book indicating the importance of the doctrine of the corporate state for modern political philosophy. Stalin's revision of the doctrine of the withering away of the state might well have been added to Lenin's

statement, and a selection from Lawrence Dennis would have provided a more authentic illustration of American fascism than Henry Wallace's sweeping denunciation.

While the merits of the book as such are considerable, it belongs to a species which is open to objections on philosophical and pedagogical grounds. A book such as Professor Ebenstein's is obviously a substitute in two different respects. It is first of all a substitute for the perusal of the texts in their entirety. It has become the fashion in different branches of the social sciences to substitute selections from great writers for the original texts. It is, however, one thing to read the political writings of Machiavelli, Hobbes, Locke, Rousseau, and Burke as they were written by their authors, and quite another to take fragments selected by somebody else for the whole of their political philosophy. If Machiavelli wrote *The Prince* as he did, who are we to say that only part of it is important and part of it is not worth knowing? It seems to this reviewer that many of the errors which have marred the understanding of political philosophers, such as Machiavelli and Hobbes, are the result of such arbitrary selections on the pretense of knowing more about the political philosophy of the thinkers than they evidently knew themselves. If, for instance, people had taken the trouble to read the *Leviathan* as a whole, they would have recognized that Hobbes' thoughts on the state are an integral part of his general theological, philosophical, and ethical conceptions, and would not have accepted the totalitarian interpretations of his political philosophy.

A book such as this is also a substitute for a systematic exposition of modern political philosophy. As such, it is sometimes illuminating and suggestive, yet sometimes rather misleading. Professor Ebenstein has, of course, a political philosophy of his own, and he prefers certain philosophers to others. Yet a book of this kind gives the author no opportunity to do justice either to his own political philosophy or to the political thought of those with whom he disagrees. Professor Hayek may be all wrong; but to take as proof for his being wrong the fact that he is still teaching at the London School of Economics (p. 471) strikes me as somewhat less than profound. Similarly, Professor Carr may have no leg to stand on; but the fact that he likes to quote anti-liberal writers and had at one time a high opinion of Neville Chamberlain's political sagacity (p. 617) does not prove it.

All in all, this is an excellent sample of a dubious species. It ought to be used widely, but with discrimination and in awareness of its dual character as a substitute.

HANS J. MORGENTHAU.

University of Chicago.

Vergleichende Rechtslehre. BY ADOLF F. SCHNITZER. (Basel: Verlag für Recht und Gesellschaft. 1945. Pp. xii, 497. 11.40 sw. frs.)

In this first major study in comparative law to come out of postwar Europe, a Swiss authority in the field of private international law attempts to establish comparative law as a "science." Despite the numerous merits of the book, its claim to constitute a systematic treatise on a now established legal science is not borne out by its contents.

In an introductory chapter, the author, after giving a brief history of the study of comparative law, lays down the methodological claim regarding its aims and character. According to Schnitzer, the science of comparative law is one of the basic sciences in the field of law, representing a kind of counterpart to the more abstract and conceptual "general theory of law" or jurisprudence. Of the two major chapters, one constitutes an abridged, rather skeletal, universal history of law, ranging from primitive law to the legal systems of Islam and Oriental peoples; the other presents a comparative study of certain legal institutions, restricted to the field of civil and commercial law. Both chapters excel through an abundance of material and comment, although the author is at his best in the realm of modern private law. His treatment of primitive and exotic systems, where he often contents himself with surveys of literature and reference to major codes and similar legal sources, is somewhat less satisfactory.

These chapters, however, fail to establish comparative law as a science and a system. In the historical part, comparative methods give way to pure history. In the institutional part, comparison becomes a kind of *l'art pour l'art*, where one asks in vain why, e.g., certain subtle details of the law of succession are made the subject of exhaustive comparative inquiry. This, to the reviewer, shows that comparative law, far from being an autonomous science, is at best a technique or method, an auxiliary science to be applied in what appears to be the only genuine sciences in the legal sphere: history of law (which, under theoretical viewpoints, also comprises the analysis of current legal systems), sociology of law, and legal philosophy (in the sense of the German *Allgemeine Rechtslehre*). From these, comparative law receives its programs, and there—as the masterly studies of Max Weber show—it fulfils a legitimate scientific purpose. That, moreover, it has an eminently practical purpose as a method used in the preparation of legislation (legal reform) will not be denied. All this, however, does not render it more autonomous than a comparison of, say, certain economic institutions would make "comparative economics" a science in its own right.

* Such methodological objections in no way detract from the merits of a work which, through the freshness of its approach and its rich material, should make interesting reading for students of legal history and com-

parative law, particularly those to whom the Continental approach and systems are less familiar.

JOHN H. HERZ.

Washington, D.C.

Administrative Law: Cases and Comments. BY WALTER GELLHORN.
(Brooklyn, N. Y.; The Foundation Press. Second Edition. 1947. Pp. lxxxix, 1138. \$7.50.)

The first edition of Professor Gellhorn's casebook on administrative law was published in 1940. It was warmly greeted by teachers of public law, both in law schools and in political science departments, as a brilliant addition to the literature in this fast-growing field of specialized study. They will surely welcome the appearance of a second edition. The qualities of the first edition characterize the second: enormous industry, a wide-ranging scholarship, a sure touch for the right case, and spirited writing. For this is not a conventional collection of cases, or even of cases and "materials." This remains a combination of cases, materials, and "comments," and in this respect the book is quite unique. The comments are more or less extended discussions by the author of many special aspects of the subject, going far beyond the customary case-book footnotes in filling in the interstices which are the inevitable accompaniment of a list of selected cases, however extended the list may be. The book, then, includes law cases, cuttings from law review articles, government reports and books, some statutory material, and several hundred pages of textual analysis by the author. All in all, it is a rich diet.

It is chiefly interesting to note what changes Professor Gellhorn has made in his book, after seven years of experience with it and its critics. The major adverse criticism of the first edition was that the second chapter, on the separation of powers, was much too long and detailed, or altogether out of place in a book on administrative law. The chapter ran to some 125 pages, and included materials on such topics as the legislative divorce, the power of various branches of government to punish for contempt, the removal power of the president, the holding of executive positions by legislative officials, the doctrine of the political question, the legislative courts, advisory opinions, and declaratory judgments. These subjects more properly belong to a course in constitutional law, and hardly deserve to crowd out the materials which bear more directly upon the subject. In contrast, a second major criticism of the first edition was that the chapter dealing with the scope of judicial review of administrative determinations was too short, and failed to give enough examples to illustrate properly how judicial review varies from one function to another. Still another criticism was that no attention was given to the important

doctrine of *res judicata* as it applies to administrative proceedings, and very little to the question of the exhaustion of administrative remedies.

The new edition takes these criticisms into account. The chapter on the separation of powers was deleted altogether, and a new chapter was added dealing with administrative proceedings and *res judicata*. The dropping out of the material relating to the separation of powers is in sharp contrast with the Frankfurter and Davison casebook (1932), which dealt primarily with this subject, and approaches the plan of the first casebook in this field, that of Freund (1911), which ignored it altogether. Since the cases dealing with this subject are given in all constitutional law casebooks, their omission from a collection on administrative law is probably justifiable from a teaching point of view. Political science teachers, however, interested in some of the broader and more philosophical elements in the background of administrative law, will miss such old stand-bys as *Maynard v. Hill*, the *Myers* and *Rathbun* cases, *Sterling v. Constantin*, and *Gordon v. United States*. Of course, this deletion permits ampler treatment of the cases dealing more directly with the administrative process strictly speaking. The other major change is that Professor Gellhorn has doubled the length of the chapter dealing with the scope of judicial review of administrative actions, even though in his preface he calls attention to the fact that actually "problems of judicial review are under consideration throughout the book."

The new edition is longer than the first by some 150 pages. The introductory chapter is about twice as long, and most of the material is new, including a long cutting from the Report of the Attorney-General's Committee on Administrative Procedure (1941), of which Professor Gellhorn was director of research. The second chapter, on the delegation of powers, includes the same number of pages as before. It is gratifying to note the absence from Chapter IV, on "Adequacy of Notice," of the extended discussion in the first edition of the exciting subject of service of summons by mail. An important shift of emphasis in Chapter V, "Some Elements of Fair Administrative Procedure," is that forty-four pages are devoted to the question of the use of compulsory process to obtain evidence, as compared with only eleven pages in the first edition. It is regrettable, however, that Professor Gellhorn has dropped out of the revised edition Judge Anderson's great opinion in *Colyer v. Skeffington*, 265 Fed. 17 (D.C., Mass., 1920), with its brilliant inquiry into administrative lawlessness. ("... A mob is a mob, whether made up of government officials acting under instructions from the Department of Justice, or of criminals, loafers, and the vicious classes"). One may suppose that a good argument can be made for leaving it out, but it was superbly good reading, and its lively recital of facts dramatized for the student an important example of over-zealous administrative behavior. The new chapter on *res judicata* in-

cludes eight cases and digests of many others, all fresh material not appearing in the earlier edition.

The chapter on methods of obtaining judicial review is half again as long as it was in the first edition. Added emphasis is particularly given to the subject of the declaratory judgment; in the first edition, there was merely a seven-page comment by the author, whereas now twenty-seven pages are given over to the subject, including five cases as well as extensive notes. In addition, in the first edition, Professor Gellhorn scarcely touched upon the important question of the exhaustion of administrative remedies (two and one-half pages); in this edition, the discussion of this topic is spread over twenty-six pages. The final chapter on the scope of judicial review has 120 pages in place of fifty-nine. This part of the book now offers a much greater variety of examples of the nature of judicial review in different situations. While this casebook centers its attention mainly on the administrative process as such, including notice, hearing, the necessity of findings, the process of proof, and the other elements of fair administrative procedure, it is all to the good that more space is devoted to the broad issues involved in the theory and practice of judicial review. In the last analysis, judicial control is important, and judicial review does tend to set the over-all boundaries of power and discretion within which administrative officials customarily maneuver.

The materials given in the appendices of the second edition are all new. Here Professor Gellhorn has reprinted the Federal Administrative Procedure Act of 1946, the House report on the bill, and the Model State Administrative Procedure Act, approved in 1946 by the National Conference of Commissioners on Uniform State Laws.

It would be easy to find fault with a collection of cases, materials, and comments extending well over a thousand pages. The present reviewer believes, for example, that Professor Hart's table of contents (*An Introduction to Administrative Law*, 1940) reflects a more meaningful, useful, and subtle arrangement of the main topics and subtopics of administrative law. As an aid to students, it would have been desirable for Professor Gellhorn to reprint, in full, at least one statute creating an administrative agency. One might wish to see more material dealing with the federal judicial control of state administrative agencies. Perhaps more attention might have been given to the techniques of administrative agencies. But, all in all, this book is first-rate, and the second edition is a considerable improvement over a first that set a very high standard for itself. The book is stimulating and endlessly provocative, and "teaches well." Students used the first edition with profit; they will enjoy the second quite as much. Administrative law is still in the stage of growing pains, and scholarship in the field is still exploratory. Its lines of classification and principles of organization have not yet hardened, and in the absence of a consensus

on the subject, there is much to be said for teaching administrative law in Gellhorn's way. Each of the recent casebooks—those by Stason (1937), Maurer (1937), and Sears (1938)—has its own merits, but it seems to the present reviewer that, for all round usability, Gellhorn, like Abou Ben Adhem, leads all the rest.

DAVID FELLMAN.

University of Wisconsin.

Administrative Behavior. BY HERBERT A. SIMON (New York: The Macmillan Company. 1947. Pp. xvi, 259. \$4.00.)

The sub-title of this book is "A Study of Decision-Making in Administrative Organization." In his preface, the author disavows any attempt to develop a "theory" of administration, but he does regard decision-making as the heart of administration and he thinks that the vocabulary of administrative theory must be derived from the logic and psychology of human choice. He presents his thesis in an introductory chapter which also serves as a preview of the chapters to follow. The processes of decision-making have been neglected, he believes, because of the notion that decision-making is confined to the formulation of over-all policy. On the contrary, the task of "deciding" pervades the entire administrative organization quite as much as does the task of "doing." A distinction is drawn between decisions that lead toward the selection of final goals, which are called "value judgments," and those that involve the implementation of such goals, which are called "factual judgments."

A second introductory chapter is devoted to a critical analysis of the "principles of administration" that are found in the current literature of administrative theory, with a view to showing their inadequacy and the need for their development in line with the author's thesis. Readers of the *Public Administration Review* will recall the author's previous contributions on this subject. For example, he calls attention to the conflict between the principles of unity of command and specialization, with the observation that while there is much support for the former, in actual practice the need for specialization is to a very large degree given priority over the need for unity of command.

In the succeeding eight chapters, the writer further unfolds and elaborates upon his thesis, with attention to such matters as the relative rôles played by value and factual questions in administrative decision, the concept of "rationality" in decision-making, the contrast between the psychological and the logical elements in the process of choice, including the ways in which an organization modifies individual behavior, the equilibrium which results when a group of people permit their decisions and their behavior to be influenced by participation in an organization, the rôle of authority and vertical specialization in organization, the process

of communication, and the concepts of efficiency and organizational loyalty. In a concluding chapter, the structure of organization is examined and some conclusions offered with reference to "the next steps" research in administration must take. In an appendix, the author addresses himself to the familiar question, "What is an administrative science?" There is no place, in his opinion, for ethical assertions in the body of a science, but he recognizes that ethical preferences will enter into the making of decisions. A commendatory foreword to the volume is contributed by the well-known business executive and writer, Chester I. Barnard, to whom the author recognizes a special obligation.

This reviewer finished his reading of the book prepared to accept the author's own evaluation of his work, namely, that although it "has not led us to any definitive administrative principles, it has provided us with a framework for the analysis and description of administrative situations, and with a set of factors that must be weighed in arriving at any valid proposal for administrative organization."

LLOYD M. SHORT.

University of Minnesota.

William Allen White's America. BY WALTER JOHNSON. (New York: Henry Holt and Company. 1947. Pp. 621. \$5.00.)

The literature about William Allen White bids fair to be as prolific after his death as the late editor was prolific in life. His *Autobiography* appeared posthumously in 1946 and later a collection of *Select Letters*. Now, within another year, Walter Johnson presents a full-length biography. *William Allen White's America* lives up to its title, for the small-town editor is painted on a broad canvas of sweeping national and international events. It is not too much to say that Johnson's biography of White is a history of the last half-century of American life as it flowed before the eyes of Emporia's first citizen.

Any biographer of a man who has written his *Autobiography* confronts certain difficulties. Johnson's *William Allen White's America* is in a sense a competitor of White's *Autobiography*. For a man as articulate as White, his biographer does not find it easy to retrace his life without repeating the *Autobiography*. Johnson has done as good a job as could be performed under these circumstances. He tells the whole story, but avoids repetition and corrects some errors of memory and adds some facts the *Autobiography* forgot or did not choose to recall. Wherever possible, Johnson, as a good biographer should, has allowed White to speak for himself from his voluminous correspondence and numerous editorials and magazine articles. The author has engaged in neither carping criticism nor fulsome praise, but tells his story simply and accurately. Wisely, Johnson

has refrained from the natural temptation to imitate the flashy and sometimes dazzling style employed by his subject.

What is the verdict upon White? He stands the tests of scholarship remarkably well. His importance lies, as his biographer well says, in his being a "folk hero" of the American middle class of the early twentieth century. He was, of course, far more articulate than most members of that class, but he expressed their ideals of good will and their optimism about human improvement, though his confidence in human perfection obviously declined with the passing years. Though White was a symbol of small-town America, he was a symbol of its best and not of a cross-section. Main street joined the Ku Klux Klan, but White, representing the better and more intelligent nature of Main street, fought the Klan successfully.

In his last years, White as the symbol of the Middle Class of the West was called upon to lead American public opinion to participation in world affairs. In the perspective of time, these services will assume larger proportions when scholars examine how narrowly America failed to adjust the balance of the old world in those fateful months after the fall of France.

For years to come, political scientists as well as historians will turn to Johnson's *White* as a source of valuable information on the versatile Kansan who in politics, journalism, and literature so ably reflected the hopes and better nature of a civilization as yet not subject to technology. In the long perspective of time, White may become a pathetic symbol of a passing phase of Western American culture, even as the buffalo and the Indian. The uniqueness of White's life adds a footnote to American political and journalistic life in the fact that there are no claimants to his vacant chair.

Political scientists will read Walter Johnson's *William Allen White's America* with great profit and carefully ponder its significance for politics and government, to glean wisdom and understanding. Specialists in political parties will wish to analyze the nature of this great Progressive who was a New Dealer by thought and declaration, yet never voted the Democratic ticket—a fact with profound meaning for students of the American party process. The volume is a truly valuable contribution to the literature of American political biography.

JASPER B. SHANNON.

University of Kentucky.

Lincoln the Liberal Statesman. BY J. G. RANDALL. (New York: Dodd, Mead and Company. 1947. Pp. xvi, 266. \$4.50.)

Although six of these essays have already appeared in learned journals, the author did not spare himself in revising, rewriting, and annotating before including them in this volume. Not previously published in any form are the other two essays, "Moot Points in the Lincoln Story," the

first in the volume, and "Lincoln the Liberal Statesman," the last. The first essay, probably the most satisfactory and helpful to one who has only the traditional picture of Lincoln, makes clear, among other things, that, in the twenty-five years preceding his election to the presidency, Lincoln split no rails and was no "Bluejeans Williams" or "Sockless Simpson"; that the nomination for the presidency came not to Lincoln the failure but to Lincoln the outstanding lawyer and the leading Republican in Illinois, with more than a state-wide reputation; that Lincoln and Douglas agreed on a number of significant points, and that the Little Giant was a worthy opponent; and that Lincoln was no abolitionist. In "A Blundering Generation," Professor Randall strips wars of most of their glory and makes an excellent case against the inevitability of our Civil War. "The Unpopular Mr. Lincoln" contains evidence that amply justifies the title, the most significant evidence being "the backstage effort of leading Republicans in the late summer of 1864 to oust Lincoln *after he had been regularly nominated*" (p. 80). "Lincoln's Sumter Dilemma" shows a careful and critical historian at his best, in particular in considering and rejecting the suggestion that Lincoln's strategy was to put the Confederacy in the position of firing the first shot. In "The Rule of Law under Lincoln," we see the exercise of executive power grazing the arbitrary but used with distaste, restraint, and common sense. "Lincoln and John Bright" features a most happy meeting of minds of two liberals who never stood face to face. "Lincoln's Peace and Wilson's" gives an estimate of the high price that has been paid for the rejection of their programs and makes earnest plea for more sanity in our time. In the title essay, "Lincoln the Liberal Statesman," the author shows that Lincoln, conservative in procedure, making sure of his ground, was liberal in the purposes and content of his program. "If his conservatism was a kind of brake or saving common sense, liberalism was his vital spark" (p. 179). "Human rights meant more to him than profits" (p. 179); labor more than capital; a do-something government more than *laissez faire*; and, although "he did not burble about democracy" (p. 192), he was ever its tough-minded and realistic advocate, as he was of tolerance.

Thoroughly at home in the Civil War period, a leading authority on Lincoln, a master of historical materials and of historical method, Professor Randall again attains the high standard he has led us to expect of him. So discriminatingly does he make his selections from his vast storehouse and so clearly does he develop the points of which he treats that he offers additional light to the more than casual student of Lincoln and fresh suggestions to those who may be classed as Lincoln scholars. Nor does he fail to relate the experience of the past to the problems of the present and to remind us that this is "a time for greatness."

CLAUDIUS O. JOHNSON.

State College of Washington.

The Presidents and the Press. BY JAMES E. POLLARD. (New York: The Macmillan Company. 1947. Pp. 866. \$5.00.)

Shortly after this book appeared, several reviewers referred to it as a valuable contribution to the history of American journalism—an accurate summary as far as it goes, but an incomplete appraisal of the Pollard study. The volume does more than synthesize and interpret newspaper reactions to presidential policies from Washington to Truman. Dr. Pollard's major concern is not with editorial policy, but rather with the interplay between presidents and the press. The implications of this interplay on public opinion are regarded by the author as more important, it seems to this reviewer, than any contribution he has made on the behavior of the newspapers.

Dr. Pollard's major emphasis is on the thirty-two men who have held the chief magistracy and how successfully or how dismally each made use of the press in a reckoning with the people by way of the daily journals. The second theme of his double-barreled assignment was to study the treatment of each president by the newspapers. For the most part, single chapters are assigned to each White House occupant.

Since the book is not intended as a treatise on editorial policy, the great editors—the Baches, Fennos, Freneaus, Greens, Greeleys, Raymonds, Medills, and other thunderers—are secondary characters in the volume, even though Dr. Pollard recounts the friendly alliances that occasionally developed between chief magistrates and newspaper men (usually souring as time wore on during an administration), and the conflicts and often bitter enmities that arose between them. Dr. Pollard shows keen interest in the evolution of the White House press conference, fathered in Wilson's time. When the author takes up an account of this democratic mechanism, we see the newspaper editor in eclipse and the Washington correspondent emerging into the spotlight.

The historical matrix in which Dr. Pollard imbeds his data may influence some readers to think of his work as a kind of newspaper "history," embellished with political icing, but the thoughtful critic will describe it as a study of opinion management. How presidents sought to secure public support through press channels and how newspapers reacted to various issues which chief executives thought it desirable to put to the fore—this is the focus of *The Presidents and the Press*. It will not do to classify the Pollard book as newspaper history alone.

Dr. Pollard sets limits to his study. Little attention is paid to the manipulation of opinion during presidential campaigns. There are few portrayals of candidates on the hustings, and there is not much analysis of campaign strategy and tactics on the opinion front. As an example of this limitation, Franklin D. Roosevelt's skill in dealing with the working press at White House conferences gets full treatment, but Roosevelt as a cam-

paigner receives little interpretation. The association of presidents with political advisers, national party chairmen, press secretaries, and party publicity chieftains is not fully developed; nor does Dr. Pollard stress the influence of such persons in helping to shape an opinion policy. But the author set himself such a big task in dealing with data now distilled in the pages of his book that we can forgive him for setting some metes and bounds to his undertaking.

At the close of each chapter, usually devoted as has been said to a single holder of the presidential office, Dr. Pollard writes admirable interpretations and summaries. It is to be regretted that the author did not prepare as a final chapter an over-all summary of the major trends and policies in presidential opinion management. In a democracy, as Lindsay Rogers once remarked, a president must take into account the people's hopes and fears, their desires and their warnings, their intelligence and their prejudices. The president who has the wisdom to recognize the importance of the public's demands and desires, and to take account of the psychological needs of his people, will lay the foundation for a sound policy of presidential "public relations." Bulwarked by a thoroughgoing grasp of his subject-matter, Dr. Pollard could have made some useful generalizations on the handling of opinion problems by the man who holds the most difficult administrative job in the country, made doubly trying because of the political nature of the presidential office.

Perhaps Dr. Pollard was unwilling to draw conclusions by contrasting the skill of a Franklin Roosevelt with the record of a Herbert Hoover. The latter, Dr. Pollard reports, exhibited "caprice and ill will toward the press" and was guilty of failure to take the public into his confidence; Roosevelt was "a master of the art of applied psychology in the field of broad public relations." Perhaps the author felt that no lesson could be learned by contrasting Taft's stumbling methods with Theodore Roosevelt's shrewd manipulations. The times in which men govern, their training and prior experience before reaching the presidency, their mental elasticity, and other factors will affect what they do in attempting to capture public support. Dr. Pollard's historical account seems to show, however, that administrative and political success correlates with deft handling of a president's "public relations," or, if this deduction is too bold a generalization, that the president who neglects his public opinion problem, or who handles it inexpertly and sporadically, is flirting dangerously with failure.

The balanced judgments in *The Presidents and the Press* grow out of Dr. Pollard's extensive and excellent training in two fields, history and journalism.

RALPH D. CASEY.

University of Minnesota.

Horace Greeley and the Republican Party. BY JESTER ALLEN ISLEY.
(Princeton, New Jersey: Princeton University Press. 1947. Pp. vii,
368. \$4.50.)

This book is a study of the influence of Horace Greeley, as publisher of the *New York Tribune*, on the eight critical years preceding the Civil War and on the formation of the Republican party. The author has made an exhaustive survey of Greeley's editorials as well as of the news columns of the *Tribune* and his personal correspondence. The book is unique in that it presents a penetrating analysis of the relation between politics and the press. It is well documented, well argued, and illustrated by a number of excellent cartoons.

The thesis of the author is developed as follows. At the Republican convention, convened in the Wigwam at Chicago May 16, 1860, Greeley opposed as too radical the eminent New York senator, William H. Seward, for the presidential candidate. He gave his support to Edward Bates, Missouri Whig who had manumitted his slaves, because he thought such a candidate would win Southern votes. Out-manuevered by the Lincoln faction, however, he quickly accepted the verdict of the convention and backed the Lincoln candidacy. He viewed Abraham Lincoln as a conservative who stood for the containment of slavery where it existed and one who neither would ask for outright abolition nor would precipitously invade the Southland.

Through his *Tribune*, Greeley supported the view that the belligerent language of the Southern politicians in the campaign of 1860 was merely a political weapon. He discounted any threat of secession and maintained that the Union would stand of economic necessity. Moreover, the free workers and the small farmers, he contended, would form a bulwark of strength in the Southern states. All this group needed to overthrow peacefully the slavocracy was the support of Northern statesmen. He predicted that thousands in the South would vote for Lincoln and pointed to the number of Republican clubs recently organized there.

Greeley was so certain of his analysis that he boldly declared: "We dare the Fire-eaters to submit the question of secession because of Lincoln's election to the popular votes of their own people." If they should vote themselves out of the Union, "we shall be in favor of letting them go in peace." Often he had indicated in his *Tribune* columns the conditions under which secession might take place. First, there must be free and open discussion of the problem, followed by a referendum of the people, and lastly peaceful negotiation in Washington between representatives of the withdrawing state and the Government. This peaceful procedure of secession, says the author, formulated public opinion in the North, which quickly became stunned and outraged by the haste with which the first seven states withdrew from the Union a few weeks after the election. In

the eyes of the *Tribune* followers, the author concludes, these states had ignored Greeley's conditions for peaceable secession. Accordingly, Northern sentiment hardened. *Tribune* readers placed the blame on a small, unscrupulous cabal unable to achieve its end through any means other than battle.

Greeley is portrayed as a man who hated war and who tried to avert it. But he consistently misjudged the public opinion of the South. Slavery, he thought, could be ended by economic nationalism. Thus he endorsed the program of free lands and public improvements, and urged Eastern labor to "go West." Greeley had opposed the Missouri Compromise as a shackle on freedom. He accepted the Compromise of 1850 as a temporary expedient, but he revolted against the Kansas-Nebraska Bill. Believing firmly in the eventual solution of the slavery problem, he had labored for a conservative Republican platform and nominee in 1860. Yet by his ignorance of Southern thinking he unwittingly helped to ignite the flames of war. His anti-slavery crusade ended in the gun-fire of Sumter!

MARY EARHART DILLON.

Northwestern University.

The Progressive Movement of 1924. BY KENNETH CAMPBELL MACKAY.
(New York: Columbia University Press. 1947. Pp. 298. \$3.75.)

Current speculation and discussion of a third party in 1948, and of the proper rôle and procedure for liberal and progressive elements to adopt, make pertinent the publication of this carefully documented and thorough study of the progressive movement in 1924, led by the late Robert M. La Follette. While the author believes that protest movements in American politics are "strands of an unbroken thread," he indicates that several unusual factors prevailed in 1924. The most significant of these was the alliance of organized labor with farmers and with Socialists, which had hitherto been regarded as impossible, and which seemed to presage a genuine farmer-labor third party. Another was the support given by upper middle-class intellectuals, chiefly in the East. The usual lunatic fringe found in minor party groupings was of little importance, but during the earlier development of the Conference for Progressive Political Action a small, but very noisy and aggressive, minority of Communists attempted the strategy of infiltration, although publicly and unequivocally repudiated by La Follette. During the years 1921-24, the CCPA took the initiative in organizing the progressive forces and in providing meagre administrative machinery. At its fourth meeting, in July, 1924, La Follette and Wheeler were endorsed for president and vice president. The platform, dictated by La Follette, drew a telling indictment against the economic and political forces then dominating America, and presented a platform of twelve points. The ancient agrarian enemy, private monopoly, was

declared the "supreme issue," and a comprehensive program of economic and political reform, which reiterated the battle cries and panaceas of an earlier day, was presented.

The author makes clear the insuperable difficulties which confronted the coalition of progressive forces. In the first place, the prosperous and complacent America of 1924 was indifferent to the revival of the liberal tradition, and the nation's industrial and financial leaders and their political spokesmen, headed by the cautious Coolidge and the flamboyant Dawes, were bitterly hostile to the Progressive platform and to the philosophy of La Follette. Second, the basic weaknesses of any third-party movement in this country were quickly apparent. These were: inadequate organization at all levels, the varied technical requirements of state election laws, the lack of state and local tickets, and, above all, insufficient campaign funds. There was never enough money to conduct even a most modest campaign; individual contributions from labor union members and farmers were insignificant.

The movement was attacked as radical and dangerous by conservative interests, which used with devastating effect the weapons of fear, of intimidation, and of distortion. Labor was indifferent, and a providential rise in certain agricultural prices led many farmers to support Coolidge.

Approximately 51 per cent of the electorate went to the polls in the sweeping Republican victory. La Follette carried only Wisconsin, but received 16.5 per cent of the total vote of twenty-eight millions. To the Progressive total of 4,826,471, the author estimates that the Socialists contributed one million votes, the agrarians two and one-half million, various liberal groups, including the American Federation of Labor, eleven hundred thousand, and the railroad brotherhoods two hundred thousand. In eleven states of the Midwest and the Trans-Mississippi region, the Progressive ticket ran second to the Republican, much of its support coming from liberal Democrats. Support for La Follette in the East was confined chiefly to a few urban areas where some organization and labor leadership existed. The Western vote was essentially a protest vote rather than an endorsement of a new party alignment which influential Eastern progressives desired.

In February, 1925, the basic groups comprising the movement agreed amicably to end the temporary coalition and to go their respective ways; in June, 1925, came the death of Senator La Follette. It was necessary for progressives to wait until the New Deal era for a partial realization of their objectives.

Dr. MacKay writes with sympathy and with understanding not only of the progressives, but also of the American party system. He is keenly critical of both major parties, but fully aware of the obstacles confronting any minor party constructed upon the basis of genuine belief and a clearly

stated program of action. Included in the extensive bibliography are heretofore unavailable manuscript collections and revealing personal interviews with many of the leaders of the 1924 movement.

THOMAS S. BARCLAY.

University of Illinois.

Congressional Elections, 1896-1944. BY CORTEZ A. M. EWING. (Norman, Okla.: University of Oklahoma Press. 1947. Pp. xiii, 110. \$2.00.)

Professor Ewing has provided the political scientist and the professional politician with a useful statistical handbook. He has presented figures of almost every conceivable sort concerning the election of members to the House of Representatives for the fifty-year period covered by the book. For good measure, he has thrown in other statistics which cover the period prior to 1896.

The book possesses most of the virtues and vices of any statistical analysis of party history. Many of the tables and charts are interesting and useful. Some have at best limited value. A catalogue of the necessary and unnecessary statistics to be found in *Congressional Elections* is too long to repeat in detail here. One may find the ratio of members of the House of Representatives to population from 1790 to 1944, the total number of Democrats, Republicans, and third-party representatives elected and not elected for the past fifty years, and the "efficiency rating" of the major parties in terms of their ability to get the same vote for their congressional and presidential candidates. Mixed in with these figures are others on the relative margins of victory by which Republicans and Democrats have been elected in various areas, at various times, and under various circumstances.

Any statistical history of American parties is as strong or as weak as the narrative which accompanies the statistics. Wisdom in interpretation is as necessary as the statistics themselves. It is, of course, true that the figures may be useful even if the narrative is not. The student may have the insight necessary to reinterpret the figures of the author. The reader of any book on election statistics is constantly struck by the fact that authors in this realm of research seem to read their own assumptions into their statistical findings, but somehow convince themselves that they are making a scientific study. These authors apparently begin with certain preconceived notions which they force into their research pipe at one end and are pleased to draw out again at the other. They seem unaware that preconceived notions arrived at non-statistically gain little significance when expressed later in statistical terms.

Professor Ewing draws some conclusions from his research which have been accepted by political scientists for a long time. He draws other conclusions which are at best doubtful. For example, he treats at considerable

length the question of the importance of the President in the election of members of the House of Representatives. Professor Ewing concludes from his statistics that the "coat-tail theory" of congressional victories is vastly overrated. He presents figures for several presidential campaign years which show that a larger number of voters cast ballots for congressional candidates than for presidential candidates of the same party. He concludes, therefore, that the candidates for Congress depend only slightly, if at all, upon the popularity of the presidential candidate. The author fails to note that his figures apply only to the specific elections which he uses as examples for his thesis and not to all elections. Because Democratic congressional candidates managed to gain wider support than the Democratic presidential candidates in 1904 and 1908, it does not follow that presidential candidates do not help congressional candidates to victory in other years. As he himself points out, the relatively higher congressional vote in those years resulted from the division between the gold and the silver Democrats. One could point out, on the other hand, that Democratic candidates for Congress were more frequently victorious when running with President Roosevelt than when running in any of the off-year elections except 1934, and that except in 1934 the party in power has always lost seats in off-year elections. Anyone who lives in a state where the Republican and Democratic strength is about equal knows full well that a presidential victory almost invariably means a congressional victory for the same party in the election. Professor Ewing's account of the relative drawing power of presidential and congressional candidates leaves out of consideration the recent phenomenon noted by most political observers, that a large vote over the past sixteen years has meant a Democratic victory and a small vote has meant a Republican gain or victory. Democratic congressional candidates are much more likely to win in presidential years when the voters come out in vastly greater numbers than in off-year elections, and surely the presidential candidate is responsible for the larger vote.

There are several other items in Professor Ewing's narrative which might be questioned. He suggests, for example, that the function of a third party in a state is that of maintaining "the purity of the non-ideological character of our party system" because it prevents the major parties from crystallizing "any preponderant opinion for sacerdotalism."

Some might question his statements that the future of splinter groups is hopeless because they have won but thirteen times in the 4,452 congressional contests in which they have participated during the fifty years covered by the book. This is perhaps true, but it might also be argued that splinter groups have not won because of ineptness or bad timing or poor choice of issues upon which to fight a campaign.

In spite of lapses in the narrative, political scientists may well find the

book a handy reference work for important as well as merely unusual figures on the elections of the past fifty years.

HOWARD R. PENNIMAN.

Yale University.

You're the Boss. BY EDWARD J. FLYNN. (New York: The Viking Press. 1947. Pp. 244. \$3.00.)

This is probably the frankest and most candid exposition of the rules and gimmicks of practical politics to come from the pen of an urban political leader. Indeed, this apologia for bosses and machines from a self-styled "good" boss is so complete that one wonders if the author realizes the extent of his own self-revelation. The autobiography covers the span of politics from World War I to the present, and details many Bronx and Tammany battles, with many interesting anecdotes about Charles F. Murphy and his successors. Modest but revealing details are included on the recent Democratic national conventions and presidential elections. The greatest contribution, however, is in the intimate description of the organization and operation of an urban political party, and the volume enriches the literature on political machines. Many of the contentions cannot be accepted, but neither can they be ignored by teachers of party government as it exists.

The uninitiated lay reader will be shocked if not repelled by the realism with which the boss casually relates what he calls the "political facts of life." An illustration of the freedom from ethical considerations was shown in the 1932 Democratic convention where Huey Long's delegates were seated without any recourse to valid credentials and merely because the Kingfish pledged himself personally to F.D.R. It is boldly acknowledged that the ordinary delegate to a national convention is a futile and ineffective individual because "considerably less than 100 men . . . really dictate what occurs." Flynn's defense of patronage bears resemblance to that of Plunkitt of Tammany Hall. Spoils, he notes, originated in "antiquity" and "if it is immoral, then man is immoral." Government and spoils go together because "we cannot have government without elections, elections without organizations, or organizations without a 'spoils system' " (p. 25). The Flynn-Roosevelt quarrels over patronage are related, and the former makes no secret of his irritation with the President's failure to honor the rules of the game. Though many pages are given to Roosevelt, a disappointing feature is the failure to describe the techniques, strength, and weakness of F.D.R. as a party leader.

With great emphasis upon "regularity," no opportunity is lost to deride independents, reformers, "apostate" Democrats, idealists, and the "motley mob of political hacks that cluster periodically about benign old jurists and smart boy-gangsters who raise the flag of Fusion." "New Deal

amateurs" who meddled in campaigns are excoriated, and there are some notes on the rift between them and the organization Democrats. Bad machines, Flynn asserts, can be fought successfully only from within the party, and much sound advice is given both on this principle and how to act upon it. The author's strong emphasis upon using the primaries for obtaining better party leadership and nominees is to be welcomed.

The book concludes with a plea to men and women "to come down off their high horses" and get into party politics for the purpose of bringing about good government. Compulsory citizenship courses are recommended as a device for bringing graduates into practical politics. One wonders, however, how much this will inspire the young reader in view of the preceding pages which have certainly raised doubts about the accuracy of the book's title.

HUGH A. BONE.

Queens College.

The British General Election of 1945. BY R. B. MCCALLUM AND ALISON READMAN. (London: Oxford University Press. 1947. Pp. xv., 311. \$3.50.)

In the form of a detailed study of the progress and results of the general election in Great Britain in 1945, the authors have presented a useful account of both the legal framework and the flesh and blood of British electoral campaigns in general. They have successfully undertaken to write about an election on the basis of material gathered in the heat of the controversy while much ephemeral subject-matter is available rather than depending upon a survey of the sources after the event has receded from active memory. Yet their vision is rarely marred by the immediacy of their material, and their views with respect to the outcome of the campaign are not intruded into their writing.

The volume describes the break-up of the wartime coalition and the setting in motion of the general election machinery. The issues of the campaign are analyzed; the authors make clear that the whole record of the Conservative party since World War I came under review, although some scare or "stunt" issues were raised. The authors investigate the selection procedure and background of the candidates, and discuss at length the usually neglected election addresses. They find that the addresses are more often expressions of faith in the party than platforms of the candidates. The rôle of the radio and the press in the campaign is described. The effect of the plural voter in both the university and the business constituencies is considered. Particularly interesting is the comparison of the pre-election forecast of the British equivalent of the Gallup poll with the actual results. With respect to party percentages, the British Institute of Public Opinion was accurate within one per cent. The results of the election are studied with special stress on the exaggeration of the

popular majority produced by the single-member district system. In an appendix, the authors make a commendable effort to devise a statistical means of forecasting election results through the percentage of swing in the popular vote which would be necessary to supplant the majority party in the House of Commons. As students of government, the authors appreciate that political science becomes more useful as it graduates from the historical and analytical stages to the normative.

In place of the usual party clichés, the authors are refreshingly willing to search for the real explanation of the results. Sometimes they fall into the trap, however, of making statements with reference to public opinion for which they adduce no proof. For example, concerning Mr. Churchill's opening radio speech prediction that to vote Socialist would be to saddle the country with totalitarianism, the authors state that "no one took these warnings seriously." Except for very few of these unsupported statements of opinion, the authors have made an admirable study of the general election of 1945, and one which can be used profitably as an epitome of the British electoral process.

EDWARD G. LEWIS.

University of Texas.

Gobierno y Administracion de la Republica Argentina. BY SEGUNDO V. LINARES QUINTANA. (Buenos Aires: Tipográfica Editora Argentina. 1946. Two volumes. Pp. 425, 440. 65 Argentina pesos.)

During the last fifteen years, Segundo V. Linares Quintana, who is a professor in the law faculties of the Universities of Buenos Aires and La Plata, has published a steady stream of books, pamphlets, and magazine articles dealing with various aspects of Argentine and comparative government. Neither war nor revolution seems to have retarded his schedule of production or impaired the quality of his work. Now he has completed this two-volume treatise describing and analyzing the government of his own country. Without doubt, it is the best book he was ever written. An unusual amount of research and a great deal of clear thinking seem to have gone into its preparation. It is, moreover, a very unusual work, for it represents a synthesis of the traditional American and Latin American methods of approach. It is the product of a Latin American scholar who has become familiar with the aims and techniques of United States scholarship.

The first volume begins, however, in the usual fashion of such Latin American books. Although it purports to be a discussion of Argentine government and administration, it devotes a number of sections and many pages to such matters as the nature of law, theories of the origin of the state, and the concept of sovereignty. Two chapters deal with the or-

ganization and functions of modern states. Nothing is said in these chapters, of course, that has not been said many times before with equal clarity and in greater detail. But it seems that every Latin American author of a work in the field of political science must pause briefly and with reverence before these subjects, just as a devout Chinese must make obeisance before the tombs of his ancestors. After this inevitable routine has been observed, however, Professor Linares Quintana begins a really masterful presentation of his subject. And it is at this point that the influence of American writers becomes evident. Instead of confining himself to a discussion of constitutional and legal provisions and court decisions, the author gives a well-rounded picture of the government in operation. He describes not only legal theories, but also political practices. In almost all Latin American countries, and certainly in the Argentina of Juan D. Perón, there are certain obvious limits to such a method of presentation. Any Argentine living in Argentina who pens criticisms of the existing régime must do so with the utmost discretion. Professor Linares Quintana is discreet. Yet he manages to put himself strongly on record in favor of constitutional democracy. He takes the supreme court of the nation to task for recognizing the leaders of the 1943 revolution as a *de facto* government, despite the dissolution of Congress. (The executive power, he says, is not the government, either *de facto* or *de jure*; it is only one of the government's three coördinate branches (pp. 104-106). In an earlier part of the same chapter, while discussing the recent decision to regulate political parties, he says—quite correctly—that the original draft of the proposal by a non-partisan group of experts was excellent, and would have met a long-felt need, but that the version finally adopted by the government "introduced numerous and substantial modifications, many of which did not accomplish" the law's announced purpose of furthering the public welfare.

This treatise has been conceived and executed on a broad scale. It deals not only with the organization of the Argentine government, but also with its activities. There are chapters on financial administration, social welfare, and the rights of labor. "Administration," as it appears in the title of the work, is interpreted somewhat more narrowly than in the United States. But it must be remembered that no other work by an Argentine author even attempts to describe the public administration. *Administrative law* has always been the nearest Argentine approximation, and of course it is not the same thing. Perhaps this volume by Professor Linares Quintana will set the fashion among his colleagues for a more realistic approach to the problems of government.

AUSTIN F. MACDONALD.

University of California.

The United States in World Affairs, 1945-1947. BY JOHN C. CAMPBELL AND THE RESEARCH STAFF OF THE COUNCIL ON FOREIGN RELATIONS. (New York: Harper and Brothers. 1947. Pp. xvi, 585. \$5.00.)

This volume is a revival of the annual survey of United States foreign relations begun in 1931 by the Council on Foreign Relations, continued for ten years, but unfortunately discontinued in 1941. The first three of those earlier volumes were edited by Walter Lippmann, the others by Whitney Shepardson, always with the collaboration of the staff of the Council on Foreign Relations and more particularly of William O. Scroggs. All of this suggests the unusually high standard set in those ten volumes, which has, however, been fully maintained in the present volume under the able authorship of John C. Campbell and his assistants on the Council's research staff.

The treatment of our foreign relations for the two-year period covered by this volume is broken down into thirteen chapters, dealing with such problems as the world-wide responsibilities of the United States produced by the World War, the making of a proper peace in Western and Central Europe and in the Far East, the Good Neighbor policy in respect to Latin America, relief, reconstruction of world trade, security and disarmament, the United Nations, and the new competition for world power. These problems are treated separately, but also are related, as of course they must be if they are to be understood at all, to one another and to our own domestic problems and political scene. This is done skillfully and intelligently, and makes good reading.

Although largely factual and coldly objective as an account of these various events, situations, and problems, there seems to be an emphasis on the new (or newly appreciated) responsibility of the United States, on its tremendous power position in the world, and on the whole-hearted if somewhat cautious and rather realistic way in which those responsibilities are now accepted and are being carried out. There is vigorous debate throughout the country with respect to the appropriateness and good sense of particular actions or policies, but the general exposition in this volume tends to suggest that our postwar policy has, on the whole, been intelligently conceived, that the interests of the United States itself and of the international community have been kept reasonably well in mind, and that, in spite of hesitations and some blundering, the policies have been pretty well executed. If peace has not been achieved, that is hardly our exclusive fault.

A bibliography is appended, which is called "selected," but which covers forty pages and includes more than six hundred titles; and these titles, it is somewhat apologetically explained, "represent but a fraction of the literature touched upon in this book"—a pretty good indication of the vast number and extraordinary importance of present problems of foreign

policy, and of the difficult task before the authors of this volume. There is also a most useful chronology of events, covering a period of less than two years, but requiring nearly fifty pages; likewise an index. Altogether, the Council on Foreign Relations is to be commended warmly for reviving this series, which will again be annual; and Mr. Chamberlain and his associates should be congratulated on the excellence of their work.

CLARENCE A. BERDAHL.

University of Illinois.

Germany from Defeat to Conquest. By W. M. KNIGHT-PATTERSON. Foreword by Lord Vansittart. (London: George Allen and Unwin, Ltd. 1945. Pp. 622. \$5.00.)

At a time when the United States and Britain are about to rebuild Germany even faster and better than after the first World War, and for reasons at variance with the lessons to be drawn from two world wars, information on the first unsuccessful experiment to impose democracy on the reluctant Germans from outside should be welcome indeed. There is, of course, no scarcity of books on the Weimar interlude, the republic without republicans, the most perfect democracy ever devised on paper, and how it was strangled in the cradle by the forces of authoritarian reaction and militant nationalism no less than by exceptionally inept politicians. Such a contribution is the recent brilliant study by Geoffrey Scheele, which, however, is too sophisticated to be easily accessible to the policy-makers—who, after all, are too busy to read books, and who can familiarize themselves with the findings of political science only through their advisers, provided the latter read books and the former listen to their advice. The parallels between then and now are so persuasive that Military Government could have benefited immensely from a sociologically oriented and concise description of the failure of Weimar, which, in spite of the numerous volumes written on the subject, we still do not have.

He who hopes to gain such information from the book under review will be sadly disappointed. This huge volume has nothing to offer which has not been presented before, and the story of how Weimar was conquered by reactionary militarists in uniform and in civilian garb, by the technocrats of big business and the nationalist mentality of the conceited bourgeoisie, and how the so-called democratic parties were cornered by them, has been told by others much better. This reviewer, who believes in generosity toward honest scientific efforts, could not find a single praiseworthy feature in it; and the only extenuating circumstance he could think of is that it was written before V-E Day, at a time when intellectual warfare justified whatever device the enemies of National Socialism wished to apply. But even as an instrumentality of propaganda,

the book, disorganized, cumbrous, overburdened with details and figures, may seem utterly useless.

It is the story of German nationalism, beginning with the period before the first World War, and trying to follow its course through the war and the development of Weimar to the advent of Hitler. The narrative is conducted chronologically along the lines of Epstein's *Annual Register*, which seemingly was a main source of information as well as the inspiration for the pedestrian and unliterary style. It is adorned by lengthy verbatim excerpts from books written in similar vein, the German and foreign press, Reichstag debates, and numerous secondary sources in whose selection the author demonstrates an unerring preference for those which are of dubious value. Were the book better organized, and had the material been arranged better, it might serve as a sourcebook for facts and figures; but even the facts are frequently inaccurate and the figures meaningless. There is hardly a page without misstatement, misspellings of names, and printers' errors (e.g., incompatibilities on p. 476), not to speak of misinterpretations wherever there is evidence of such ambition. The best that can be said of this piece of work is that the publishers brought out a handsome volume—which is a rather melancholy reflection considering how many much better books cannot find a publisher at all. By recommending it as a "book of remarkable accuracy and insight," Lord Vansittart did not add to his reputation.

KARL LOEWENSTEIN.

Amherst College.

The Development of the Soviet Economic System. BY ALEXANDER BAYKOV.
(New York: The Macmillan Company. 1947. Pp. xv, 514. \$6.00.)

Baykov has described Soviet planning techniques and instrumentalities and analyzed their effect upon the Soviet economy in the fields of industry, agriculture, trade, labor, and public finance. His study is designed primarily for economists, but there is much that will absorb the political scientist as well. Baykov makes clear that the automatic controls of a capitalist economy no longer function under socialism. The political scientist and lawyer are called upon to draft legislation and devise administrative techniques on the grand scale required when nationalization of the means of production occurs, and when full employment eliminates the effectiveness of economic controls.

A political scientist will regret that Baykov is more interested in economics than public administration. The author introduces a problem, but often contents himself with a brief description of the machinery of administration devised to meet it, while examining in detail the effects of the use of the machinery. He omits discussion of such a question as how a system of planned profits is designed to measure administrative efficiency

in government corporations with a minimum of attention and inspection by headquarters. He gives no account of the part played by the state arbitration system in this accounting process by allocating to a negligent government corporation loss resulting to another government corporation which has dealt with it so that accountants of the Ministry of Finance may be able to observe in the routine financial records which come before them a reflection of mismanagement. Yet Baykov is writing primarily for economists, and such omissions are probably excusable.

Students of labor relations will find the discussion of the position of labor in a planned economy valuable. England is even now faced with the problem of deciding the extent to which the workingman's freedom of contract in the classical sense can be retained under socialism. Baykov recites the measures adopted by the Soviet government since the Revolution to control labor and management. He notes that they have become progressively stricter, and he finds this necessary. He explains that in a planned system, in so far as it presupposes full employment, the economic compulsion to obey disciplinary rules and to manage an industry without irresponsibility and slackness are absent. He looks eventually for an appreciation by labor of the interests of the community and an acceptance of social labor incentives, which will make severe criminal laws unnecessary; but he appreciates that such a social change requires considerable time.

Baykov will not accept the proposition that socialism is doomed because it offers no personal incentives to creativeness. He believes that Soviet experience proves convincingly that methods for stimulating creative initiative can be devised under the planned system of industrial organization, and he describes such stimuli. He also believes that psychological obstacles to the enforcement of personal management in industry under socialism can be overcome as the principles on which the trade unions work are altered. This problem has been the rock on which Soviet industry nearly foundered and around which the British nationalized industries are still finding serious difficulties.

Some economists reviewing the book have called it a "happy hunting-ground for a fault-finding statistician," and have pointed out inconsistencies in the multitude of tables which dot the volume.¹ While this criticism may be deserved, it has not been found to extend to the laws relating to administrative matters. Baykov has found, and often translated in full, the major laws which are milestones in the development of Soviet administrative law. An exhaustive bibliography of Russian language sources is also included.

Baykov was born in Russia, educated in Prague, and given a research grant to complete his work at Birmingham University, England, in which

¹ See I. Neustadt, in *The Slavonic and East European Review*, Vol. 25 (Apr., 1947), 594-597.

he now lectures. His book has already become a handbook for those working on the economy of the U.S.S.R. It is deserving of the careful attention of others as well, if they are interested in the question of what is involved for the architect of government in any country when a socialist economy replaces the private enterprise system.

JOHN N. HAZARD.

Columbia University.

Nationalism and Internationalism. BY DON LUIGI STURZO. (New York: Roy Publishers. 1946. Pp. 308. \$3.50.)

For more than half a century, Don Luigi Sturzo has been in the forefront of Liberal Catholicism as a prominent statesman and productive scholar. He has gained the respect of the Western world by his courageous stand as an active fighter for freedom before the advent of Fascism, during Mussolini's rule, and now in the aftermath of European totalitarianism. His latest book, continuing a respectable list of publications, reflects all the fine qualities of his mind. He writes with erudition and eloquence, though some of the Latin clarity seems to have been lost in the translation. Thus his book does not make easy reading. But it is rewarding in its wealth of material and its penetration into the complexities of modern state and society.

The collection of essays, brought together under a somewhat misleading title, is held together by a number of fundamental concepts. Dealing with the intellectual and political development of the last European century, the author approaches his topics with insistence on the primacy of morality over politics, with emphasis on the sociological factors in political affairs, and with an historical appraisal that takes a long-range view of world affairs.

This historical evaluation is manifest also in Don Sturzo's analysis and attempted vindication of papal policies throughout the study. While he frequently indicates his reservations against some decisions of the Holy See in respect to national and social issues, such as the attitude of Pius X toward the Roman Question, he explains these adverse decisions by stating that "certain questions cannot be treated openly before they come to maturity."

The introductory essay deals with the changing meaning of nationalism. Here, as throughout the book, the author shows a fine sense of differentiation in time and space, bringing out clearly the development toward totalitarianism. According to Sturzo, it is not a moderate nationalism, but exaggerated nationalism alone, which Catholicism rejects. Yet he insists that, "in the light of recent experiences, nationalism should not hold any other meaning" and that, together with naturalism, sociologi-

cal positivism, and rationalistic philosophy, it should be branded as "the cause of modern apostasy from Christianity."

The ensuing chapter on "The Roman Question Before and After Fascism" gives a lucid historical evaluation of this very intricate issue. At the same time, it poses fundamental problems of political Catholicism in our day. The essay, "Has Fascism Ended with Mussolini?," justifiably stresses the significance of the totalitarian aftermath and the survival of Fascism beyond its military defeat, even within our democratic society. One might have wished that the author had elaborated his points and that he had dealt more specifically with a differentiation in totalitarianisms. He simply states: "It makes no difference if we call it Fascism or Communism; they have the same impulses, the same fundamental concepts." While a popular, present-day discussion equally identifies both predominant forms of dictatorship, it may well be the number one assignment of American political scientists to work out the distinction between the two. Only then can we recognize—friend or foe—the real challenge of Soviet Russia.

Perhaps the most interesting chapter of the book deals with the rise and development of "Christian Democracy." Reading the often forgotten Honor Roll of Liberal Catholics, one might have welcomed a more comprehensive treatment of the past contributions and of the present problems of the Christian democratic movement, in which the author has played such an outstanding part.

The remaining chapters discuss "The State, the Unions, and the Labor Parties," "The Modern Wars," "Empires and Imperialism," "Internationalism," and "The Post-War International Crisis," and reflect the balanced view of a liberal realist who, despite the setbacks of two world wars and their aftermaths, believes in the eventual emergence of a peaceful international society.

This thought-provoking book is full of the wisdom and experience of a civilized man of affairs. If there is one regret, it is that in many parts where one would have liked to learn more from the abundant knowledge of a great statesman and thinker, the author gives only a catalogue of data and mere aphorisms on the modern crisis.

SIGMUND NEUMANN.

Wesleyan University.

The European Cockpit. BY WILLIAM HENRY CHAMBERLAIN. (New York: The Macmillan Company. 1947. Pp. 330. \$4.00.)

In the summer of 1946, William Henry Chamberlain returned to Europe after an absence of six years. His observations and interviews in Great Britain, France, Belgium, Germany, Austria, Switzerland, and Italy strengthened his conviction of the deep-seated nature of the European

crisis, the seriousness of the Soviet threat, and the vital stake of the United States in Europe's future. "Europe," he writes, "is . . . a cockpit of contending forces, internal and external. . . . And there is a new frontier in Europe, more important than any national boundaries. It is the frontier between the Soviet sphere of military control and political domination and the rest of Europe" (pp. 3, 4).

As would be expected from this astute and seasoned journalist, the account of conditions in the countries he visited is straightforward and realistic. He found "solid ground" in England, but he does not minimize the basic problems; in particular, he stresses the inability of the British to "sustain the burdens of world-wide empire" and the implications for the United States of the "erosion of British political and economic strength." France, "still suffering from collective shell shock," is in a state of uncertain transition, intensified by political and financial confusion, an obsessive fear of a revived Germany, and a mood of "weary nihilism." He describes Italy as "stumbling in a fog toward an unknown destination," with some evidences of temporary recovery in spite of the devastating effects of inflation.

The two chapters on Germany, "the very center of the European cockpit," present a picture of almost unrelieved gloom. Mr. Chamberlain believes that the Allies, by their blunders and deliberate policies, have repeated most of the errors of the Nazis. He excoriates the mass deportations of Germans from the eastern provinces, the use of slave labor, looting on a colossal scale, the starvation dole, the currency situation, the American denazification policy, the "negative socialism" of the Potsdam Agreement, and "the petty 'master-race' affectations of the occupation." His description of present conditions in Germany lacks the vividness of the recent account of his fellow-journalist, William L. Shirer, and his lengthy rehearsal of what should be done tends to over-simplify the whole problem and to overlook some of the seemingly insuperable obstacles in the path of a satisfactory German settlement.

Mr. Chamberlain did not cross the "new frontier" in Europe, but he devotes a chapter to Poland and another to the rest of the Soviet-dominated "Lands Behind the Iron Curtain," notably Yugoslavia and Czechoslovakia. He condemns the sacrifice of Poland at Yalta, which he describes as "a complete historical parallel to Munich," with Poland as the chief victim.

Perhaps the most provocative sections of this book deal with Soviet Russia and the problem of Russo-American relations. On these subjects few Americans can speak with greater authority. The danger of war, as Mr. Chamberlain sees it, resides "in the unlimited expansionist designs of the Soviet Union." He cites specific evidence to support his contention that Russia has played a major rôle in nearly every international crisis and

that the main causes of friction between the United States and the Soviet Union are "of specifically Soviet origin." He castigates American policy toward Russia during the war, charging that it was based on false assumptions and that "we sold the principle of the Atlantic Charter . . . for a mess of unsuccessful experimentation with appeasement."

The only salvation for Europe, in Mr. Chamberlain's opinion, lies in federation. This thesis runs throughout the book; it is stated at the end of the first chapter, and repeated in almost the same words on the last page. Unfortunately, a prescription of this sort is of little value unless the prospects for its adoption, and the steps necessary to secure its acceptance, are carefully analyzed. Mr. Chamberlain owes it to his readers, who will close *The European Cockpit* with a sense of frustration, to offer such an analysis, written with all the power and realism at his command.

NORMAN D. PALMER.

University of Pennsylvania.

American-Australian Relations. BY WERNER LEVI. (Minneapolis: University of Minnesota Press. 1947. Pp. 184. \$2.75.)

Australia's rôle in the war and the fact that so many American soldiers spent a period of service there is responsible for an awakened interest in the Southern commonwealth. At the same time, shifts in her economy which have strengthened ties to the United States emphasize that increasingly we will be interested in her problems. One welcomes, therefore, studies which attempt to fill the gap in a too long neglected field.

This is precisely what this book attempts to do, and while it is in no sense the definitive study, it is a real contribution. Commencing with 1784, the account of relations between the United States and Australia is carried through the period of the recent war. A final chapter on "The New Pacific" attempts to give a present-day setting; but this chapter does not seem too well integrated with the book as a whole. A criticism has been made that the study over-emphasizes the American approach. But while an Australian might interpret the data differently, and might use some other sources, it is not a fair criticism. One would welcome a companion volume from an Australian scholar. But until it appears, let us judge the present book on its own merits.

In the early chapters, the author presents a careful review of the contacts by which American traders and sailors established themselves on Australian shores. Documentation is careful and adequate. The author's sense of proportion, however, is not well maintained. More than half of the book is devoted to historical detail that could be more compressed. For instance, the space devoted to Webb's enterprises is much too detailed. Greater attention might have been given to twentieth-century developments. In dealing with the Paris Peace Conference of 1919, the

struggle of the Dominions to secure recognition of their new status is not adequately pictured. The action of the American delegation, and particularly the attitude of Secretary Lansing, was not conducive to the best relations, while Prime Minister Hughes' temperament must have been a source of friction. Again, Mr. Levi's treatment of the abrogation of the Anglo-Japanese Alliance and of discussions at the Imperial Conference of 1921 leave the reader somewhat unsatisfied. At all events, there is no clear-cut impression such as Professor Brebner supplies in his excellent article on Canada's rôle. Meighen's adamant opposition was based upon American considerations, and if Australia could not appreciate these, a fuller explanation is called for. While such criticisms point up a few shortcomings of this volume, they do not seriously detract from the book's real merit as an initial study in a neglected field.

LIONEL H. LAING.

University of Michigan.

Democracy and Empire in the Caribbean; A Contemporary Review. By PAUL BLANSHARD. (New York: The Macmillan Company. 1947. Pp. xi, 377. \$5.00.)

Though the people of the European colonies in the Caribbean are among our nearest neighbors, most of us have known little about them. Mr. Blanshard's book, which sketches briefly but vividly the political and social conditions and recent events in each of some twenty-nine communities in the West Indies and the Guianas, will be welcome to those who would like to know more.

The picture is not a bright one. Nearly everywhere its salient features are illiteracy, poverty, over-population, tropical diseases, and discontent. Few of the colonies could support their people if they did not raise money crops, like sugar and bananas, and if these were not heavily protected in the markets of the home countries. Sugar, especially, produces more dollars per acre than food crops could, and this is all-important in countries where the amount of arable land is pitifully inadequate. But sugar production involves chronic under-employment; and it probably also involves a continuance of the plantation system controlled by native or foreign capitalists, a situation with which many of the Caribbean peoples, according to Mr. Blanshard, are becoming more and more dissatisfied.

The growing resistance of the local colored population to white economic domination, and the movement for more local self-government, are the main themes of the book. Mr. Blanshard devotes much space to the state of political democracy in the area. He is especially critical of the policies of the British and Dutch governments. Until 1944, more than ninety-five per cent of the people of the British colonies were excluded from voting by property qualifications, and even after the constitutional

changes made during the war years "there is still not a British colony in the Caribbean in which all members of both houses of the legislature are elected by universal suffrage." In the Dutch colonies, the people have even less participation in the local government. The French islands, on the other hand, have a franchise sufficiently broad so that the colored element dominates local politics, with the Communists as the strongest party today.

If the people of the British colonies are obtaining more political power, this is largely a result of the growing self-assertiveness of labor. Until recently, attempts at labor organization were generally unsuccessful. The people were ignorant, there was much unemployment, and strikes were repressed by the authorities. In the 1930's, a wave of labor unrest caused serious riots in several of the British islands. These led to the emergence of native leaders who frequently became important political figures and took the lead in the demand for constitutional reforms.

Some American readers will be surprised to realize how favorably conditions in our own possessions compare with those in the rest of the area. Puerto Rico and the Virgin Islands have been given a far greater measure of self-government and have had far more financial help than any of the European colonies. In Puerto Rico, at least, standards of living are higher than they are in most other parts of the Caribbean. This does not, of course, mean that conditions in our own possessions are not deplorable, or that our policy toward them is not subject to criticism. It does suggest that our record there should be considered in the perspective of conditions in the area as a whole.

DANA G. MUNRO.

Princeton University.

Language and Area Studies in the Armed Services; Their Future Significance. BY ROBERT JOHN MATTHEW. (Washington: American Council on Education. 1947. Pp. xix, 211. \$2.50.)

Area Studies; With Special Reference to their Implications for Research in the Social Sciences. BY ROBERT B. HALL. (New York: Social Science Research Council. 1947. Pp. v, 90. \$1.00.)

These two studies analyze, in part, the same data. Dr. Hall, chairman of the Social Science Research Council's Committee on World Area Research, is concerned primarily "with the relation of the social sciences to the present status and prospective development of area studies." Dr. Matthew, for the American Council on Education's Commission on Implications of Armed Services Educational Programs, covers data pertaining to language as well as area studies and formulates "conclusions regarding the application of the programs of the armed services to civilian

education" (his "conclusions" are frequently questions). Dr. Matthew devotes more attention to language than to area studies, perhaps in part because of his professional interest therein, but also perhaps due to facts noted by Dr. Hall: "Area instruction was of necessity largely makeshift. Language, which on the whole was well taught, gradually came to be the one important aim in many institutions" conducting the A.S.T.P. and C.A.T.S. programs.

The two authors hold somewhat different concepts of area studies. Dr. Matthew regards area studies as distinct from the prewar programs of schools of international affairs and from interdepartmental majors, in that these latter do not involve "the pooling of knowledge and personnel, the integration of material into one body and under one heading, and the emphasis always placed on the contemporaneous aspect of the area rather than the past." Dr. Hall does not insist on these criteria and discounts the value of wartime innovations. "Most of the area programs which were in operation before the war seem to have suffered seriously during the war period." Most or all of the faculty involved in the prewar programs were diverted into government service and "professors of wholly unrelated subjects frequently came to carry the burden of area instruction." The features of wartime area studies stressed by Dr. Matthew appear in this view as mainly unrealized objectives.

Without belittling efforts to integrate knowledge possessed by related disciplines, persons trained in the social sciences may be pardoned for questioning the assumption made by a professor of Romance languages that the announced objectives of wartime area programs were substantially achieved. Until he has effectively "integrated" the study of French and German, for instance, social scientists may not regard him as qualified to determine the efficacy of attempts to integrate their disciplines. If the professor of language replies that integration in his field applies primarily to techniques of instruction, social scientists may reasonably ask that their disciplines be measured by the same standard.

Nevertheless, we should constantly seek practicable means for integrating knowledge that will aid in acclimating American youth for life in the areas of this turbulent but shrinking planet where they may be called to serve. Both authors agree that this purpose would be promoted by more experimentation with area studies. Dr. Hall points out: "Area studies are here. They have secured a greater or lesser foothold in most institutions of higher learning. They are distinctly of concern to government. They form a valid program of education and offer new and promising fields for research. They are as yet largely experimental and so require watching and guidance that they may develop their best potentialities." He finds that "the movement is essentially an expression of deep and fundamental dissatisfactions with American higher education and research."

Many of us feel the need "for some form of organization which will break down the isolation between disciplines." Accepting Dr. Matthews' conclusion that the wartime programs showed that "the integration of the separate academic disciplines into a common core of knowledge covering a cultural area or region, . . . is possible," further experimentation should enable us to determine whether this method provides the best means for realizing the objectives of our colleges and universities.

Such experimentation should not be indiscriminately undertaken. Dr. Hall warns against the "type, which unfortunately is too numerous to be exceptional, . . . where nothing new has been added except an additional page in the catalogue." Both authors point out that because the areas deserving of study are numerous, but adequate materials for instruction and research in many of them not yet available, and because there is an appalling shortage of qualified personnel for teaching and research, coöperation among colleges and universities to prevent waste and duplication and achieve a maximum of effectiveness is highly essential if successful results are to be obtained.

HOWARD WHITE.

Miami University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

How Should Corporations Be Taxed? (Tax Institute, Inc., 1947, pp. xii, 251, \$4.00) presents the divergent views of nineteen distinguished business executives, labor leaders, tax attorneys, and tax experts—all participants in a symposium held in New York last December on what should be done about corporation taxes. Discussions of the general topic are grouped and appear in the following order: "Proposals for Reforming Corporate Income Taxes"; "Should Small Corporations Receive Tax Advantages?"; "Detailed Aspects of Corporate Income Taxation"; "Tax Provisions Which Affect International Trade"; "Does the Present Tax System Discourage Business Enterprise?"; and "Should the Taxing Power Be Employed to Regulate the Economy?" Within the brief space of a review, it is impossible to appraise fairly the varied contents of a volume of this character. It serves a useful purpose in introducing one to points of view and issues involved in corporation taxation. As might be expected, one discovers sharp disagreement between labor representatives and the representatives of corporate managements as to what should be done about the taxing of corporations. Where there are cleavages on basic economic philosophy, individual contributors tend to generate more heat than light on the subject assigned. In the opinion of the reviewer, the most worth-while selections are those which see both the good and

the bad in corporation taxes, and which, without eliminating them entirely, seek to modify them in such ways as to produce a better integrated and more consistent tax system than prevails at present. Although the symposium hardly attains the "consensus" hoped for by Dr. James W. Martin in his foreword to the volume, individual contributors supply valuable and suggestive viewpoints on both the broad issues and the significant technical details which corporation taxes involve.—MARTIN L. FAUST.

A recent publication of the Research Committee of the American Political Science Association is O. Douglas Weeks' *Research in the American State Legislative Process* (American Political Science Association, 1947, pp. vii, \$0.50). The preparation of the monograph was undertaken at the invitation of the Committee on Public Administration of the Social Science Research Council, and its publication was financed by the Council. The investigation is comprehensive in scope, encompassing the entire field of legislation at the state level. Of necessity, in a study so brief, the author was under constraint to select and emphasize rather than to treat exhaustively the many aspects of state legislation. His point of focus is to analyze the various segments of the field, call attention by way of illustration to some of the research which has been done, and point out the most fruitful areas for future research endeavor. Some of these suggested areas of research are traditional and uninspiring, such as direct legislation, unicameralism, and legislative sessions. Such intriguing topics as legislative personnel and legislative leadership of the governor, on the other hand, offer stimulating new possibilities for investigation. Professor Weeks has done a creditable piece of work. Those who direct state-government research, both in graduate schools and in research bureaus, can ill afford to be without his study.—JOSEPH M. RAY.

In *American Tariff Policies Toward the Philippines, 1898-1946* (King's Crown Press, 1947, pp. viii, 233, \$2.75 cloth bound), Senor Pedro E. Abelarde seems to find himself torn between, on the one hand, pent up emotions which no doubt grow out of interest for his country in its struggles for maturity and the proving of its qualities for nationhood, and, on the other hand, scholarly ideals and qualities. He, nevertheless, remains always the scholar and student in analyzing the factors in the trade relations of a colony once set free from a parent state with one kind of political economy, and the adaptations that it must make in the establishment of political relations with another state with quite different economy and political outlook. From treaty of annexation to the establishment of the Commonwealth in 1935 was a transitional period in the gradual building of a tariff policy showing little interest in the economic

development of the Philippines to one in which certain pressure groups in America intensified their interest and dominated in the development of the industries of the Islands. Under the Treaty of Paris, 1898, providing for a period of ten years during which Spanish ships and merchandise entering the Islands should be admitted on equal terms with ships and merchandise from the United States, not only did other European nations, by indirect shipping practices, effect a weakening in the economy of the Philippines and deplete their treasury; but similar results came from the favorable trade provisions for the United States. At the beginning of our suzerainty over the Islands, a military board of officers appointed for the purpose made recommendations considerate of the Philippine economy, the treasury, and the standard of living of the people. Though these ideals were never attained, the recommendations served as a guide to our Congress. After the expiration of the ten-year period of the treaty of Paris, the "open door" tariff arrangement was slammed shut and American goods went on the free list. Philippine goods, with some exceptions, had free entry into the United States. The effect of this policy was to give an artificial stimulus to Philippine-American trade which became difficult to sever without disruption to the Islands' economy. Tariff provisions during the Commonwealth period did not prepare the Islands for their coming independence and future national economy. This book has plenteous notes, references, tables, and charts, as well as a classified bibliography.—H. C. Cook.

In our type of economy, the disposition of surplus commodities can raise serious problems. Joseph D. Coppock's *The Food Stamp Plan; Moving Surplus Commodities with Special Purpose Money* (Transactions of the American Philosophical Society, Philadelphia, May, 1947, New Series, Vol. 37, Part 2, pp. 200, \$1.50) delineates one tested solution. The food stamp exemplified an expansion type of "special purpose money" (special purpose money is that which can be spent only in accordance with certain rules) in contrast with contraction special purpose (ration) money. The U. S. Department of Agriculture operated the Food Stamp Plan from 1939 to 1943 for the dual purpose of raising cash incomes of food producers and providing the needy with food. Viewed from this relatively limited objective, the program was successful. It brought more food to the poor than a straight cash subsidy would have, and food-sellers had larger revenues. Obviously, it was no major redistributor of income, nor could it be considered a remedy for the business cycle or the general malfunctioning of the system. None the less, when and if reintroduced, it could be even more effective. Coppock urges an unequivocal statement of aims, simplification and standardization of administration, and improved reporting. Of course, special purpose money was only one of several ways

in which the surplus commodity problem could have been attacked. But, as Lewis Mumford counseled in *Faith for Living*: "The food stamp disposal of agricultural surpluses to families on the W.P.A. rolls is a crude indication of a method that has far wider application in a rational society. Never again must we burn, destroy, or withhold that for which we have need." Even more basic is the author's conclusion that "an economic system which stands only with the support of stamp plans and other such props is not a permanently satisfactory system." Coppock's is a scholarly, balanced volume with utility for political scientist and economist alike. In addition to the exhaustive analysis of the food-stamp program, broader ramifications of special purpose money are expounded. Probably the discussion (and it is considerable) of policy and administration will have greater appeal for the reader of this journal than the wealth of technical and statistical material.—RITA DAVIDSON.

The fourteenth edition of the *Municipal Year Book* (Chicago: International City Managers' Association, 1947, pp. 550. \$8.50), edited by Clarence E. Ridley and Orin F. Nolting, came off the press late in June. As in past years, it provides municipal officials with discussions of the current problems of cities throughout the country, with facts and statistics on individual city activities, and with analyses of trends by population groups. The new sections in this edition reflect the changing emphasis in municipal activities. Detailed information on the management and financing of municipal hospitals and airports indicate the current interest in expanding fields. Other sections present new data on fire-prevention inspection of dwellings and on the extent and methods of police patrol of residential areas. Another section presents an analysis of the methods used by cities in charging areas outside the city for water and sewerage service. Perhaps of most interest to municipal officials are data in the personnel, finance, and planning sections of the book. One table gives pay rates for fourteen selected municipal positions in ninety cities, while another table shows salaries of chief municipal officials by population groups, with an analysis of trends over a period of years. This section also contains information on city employee organizations and the extent of employee strikes last year. The revenue section summarizes data reported by more than 1,600 cities on non-property tax revenues and service charges, and the planning section shows types of improvements that subdivision developers are required to install before plats are approved. Most of the regular features of the *Year Book* have been retained and brought up to date, including the sections on municipal reports, typical utility bills, parking lots and parking meters, assessed valuations and tax rates, court decisions affecting cities, debt trends, directories of officials, and model municipal ordinances.—C.E.R.

Sanford Winston's *Leadership in War and Peace* (North Carolina State College, 1946, pp. 152) is a study of the theory and operation of the "neighborhood leadership system" developed and used by the Agricultural Extension Service in rural North Carolina. The study, based largely on an intensive survey in six counties, with General Education Board funds, contains four major parts: organization and programs; characteristics of leaders; comparison of leaders and their groups; and the leaders on the job. Dismissing the township as an "artificial" division ill-suited for a rôle in the agricultural planning process, Winston points to the "need for a more natural basis for localized planning and action" and asserts that the "neighborhood is obviously the unit to work with and through." A basic problem, then, is "the mapping of neighborhoods and the seeking of the leadership that exists in these neighborhoods." During a two-year period, the entire state was divided into 6,013 rural neighborhoods on the basis of white population, and later 1,265 Negro neighborhoods were delineated. Several leaders (ordinarily one for every ten families) were chosen in each neighborhood, women usually equalling men in number. About half were elected by the neighborhood people themselves, and most of the remainder were selected in a process of consultation between the county agent and persons in the neighborhood, only a few being appointed directly by agents. Getting into operation in 1942, the resulting network "provided a way literally to reach the last family on the last row." In Anson county in 1942-43, for example, the grass-roots leaders "presented" seventeen "programs" to their neighbors; among these projects were scrap iron and rubber collections, victory gardens, civilian defense, war bonds, auto transportation pools, rationing, production goals, and a turkey coöperative. This sort of development, not confined to North Carolina, indicates movement toward institutionalizing relations between county agent and local leader and toward the goal of "reaching" substantially all farm families. It remains to be seen, however, whether the particular pattern will prove readily adaptable for meeting broader needs for adult education in social economy, and for more effective local contribution to and understanding of state and national policy decisions and for *rural-urban* regional planning.—FRED A. CLARENBACH.

War-time shifts in population to metropolitan centers and the acute situation in urban housing have forced police departments to seek aid and advice in formulating plans and programs to anticipate the seemingly inevitable clash between minorities and the so-called majority. Joseph D. Lohman's *The Police and Minority Groups* (Chicago Park District, 1947, pp. xiii, 133, no price given) was prepared under the authority and direction of the Chicago Park Commissioners as part of a training program for Park District police. This brochure is a thoroughgoing analysis of the

types of situations giving rise to friction which may blaze forth into dangerous riots between minorities, especially colored, and other groups. The rôle of the police is clearly set forth in language which stresses the sound fact that the police officer must not identify himself with either group during such disturbances and must not let his own prejudice or preference determine his course of action, but must guide himself by sound impartial judgment for preventing and quelling such disturbances. The nature of prejudice, the rights of individuals, the development of tension, the rôle of rumor, the location of possible areas of disorders, the influence of segregation both economic and residential, our knowledge of race and its relation to ability, to crime, and most important of all "the rôle of the police officer in dealing with tensions," are some of the aspects of the problem ably analyzed. Every police officer who "knows" the causes and who "knows" the solution should be required to memorize the author's analysis of what underlies racial conflicts. There are thirteen excellent spot maps of Chicago pertinent to this study, two appendices dealing with Illinois statutes, the Chicago municipal code, and a selected bibliography of books, pamphlets, and films.—J. P. SHALLOO.

In his *Niles' Weekly Register* (Louisiana State University Press, 1947, pp. viii, 337, \$5.00), Professor Norval Neil Luxon gives a good story of the founding, development, and termination of the most important and, unique repository of political intelligence in America for the period 1811-49. That journal, which was started at Baltimore in September, 1811, became unique for its unbiased coverage of political activities, issues, and controversies, in spite of the strong and strongly biased editorials and articles of Hezekiah Niles, the founder and for many years the editor. The present study is primarily concerned with approaching the subject from the angle of journalism rather than of political science or political history as such, and the first four chapters deal with the *Register* as a "News Magazine of the Nineteenth Century," with the editors, and with the articles and editorials. Then follows an account of the journal's treatment of such issues as the tariff, the United States Bank, Anglo-American relations, Latin America, internal improvements, and slavery, as well as national elections. The last regular chapter is entitled "The *Register* and the Historian." As a revised doctoral dissertation, the work of Professor Luxon comes to an end with a good critical essay on authorities. The book is well written and not strikingly suggestive of the typical dissertation as understood by the cynic. It is a good account of "an honest chronicler," which this reviewer would like to make required reading for certain of our American journalists and publishers today.—H. C. NIXON.

FOREIGN AND COMPARATIVE GOVERNMENT

W. L. White has presented not only a vivid and arresting *Report on*

the Germans (Harcourt, Brace and Co., 1947, pp. 260, \$3.00), but also a report on opinion in the United States during the war years. It is these references to the United States and at times to the U.S.S.R. that drive his points home. The Russians come off rather creditably so far as they enter into the book. White confines himself almost entirely to Berlin and makes no pretense of giving a factual survey of conditions in all Germany. He is interested in finding out what the people thought under Hitler and what they are thinking now. The book has really three parts. The author's description of Berlin when he went there as a reporter in 1939 furnishes the background for his postwar reconnaissance. Knowing he could never get all Germans to speak freely, he hired some reliable German reporters to make inquiries for him. These miniature case histories are then presented in the form of conversations with different characters. A former German student in America who made daily newspaper abstracts for Hitler during the war, Jews who survived the Hitler terror, German newspaper reporters, and others from all walks of life tell their story. White tried to discover how many Germans knew about the extermination camps and became convinced that most of them did not. Even if they heard rumors of the camps, these were not believed because they seemed so incredible. Many thought this was only a repetition of the Allied atrocity stories of the First World War. The real terror against the Jews started in 1943, partly because many small Nazi leaders wanted to report that their territories were free of Jews. The conclusion is reached that most Germans knew the war was lost long before 1945, that there was much opposition to Hitler, and that our unconditional surrender policy was a big mistake. White contrasts this policy with the way in which Wilson handled his Fourteen Point program in 1918. This, in fact, constitutes the third section of the book, which sets the making of the 1919 peace over against present efforts. The greater idealism and desire for a democratic and just peace at that time as compared to the present is underlined. In this section, a few historical inaccuracies have crept in. The Dodecanese Islands had been in *de facto* possession of Italy since the Tripolitan War; it is hardly a true picture to state that "the task of bringing German war criminals to trial was finally left by the Treaty [of Versailles] to the Germans themselves," although that was the end result; and the brilliant description of the Hall of Mirrors would have been appropriate to the signing of the Treaty of Versailles, but not for the presentation of peace terms on May 7, 1919, which took place in the Trianon Palace Hotel. On the whole, the author's interpretation of the Germans, his sources, and his conclusions, stand up well under critical examination.—E. C. HELMREICH.

In his account of the top staff planning of the Nazis, *Design for Aggression* (Harper and Brothers, 1946, pp. 270, \$3.50), Peter de Mendelssohn

has surveyed the Nazis' planning for five of their major problems. Each is dealt with as a sort of case study, neatly and compactly analyzed on the basis of the documents that were published at Nuremberg. Quotations are ample and illuminating, and the sense of history in the planning is admirable. The cases include the preparations for war on the Eastern borders of the Reich, the plans for invasion of Britain, the attack on Russia, and the relations with Spain and Italy. The world's new and present troubles are proving sufficient to make us forget its recent ones before we have taken the trouble to learn half of the lessons they might teach us. This makes it the more necessary that some of the more interesting materials from the past war be raked over and presented with simplicity and clarity by the few who understand how to present them to the many who should understand them. In this respect, the book, though unpretentious, is a very valuable one. The style may seem strained or exotic to those unfamiliar with the manner of expression of such agencies as the Joint Chiefs of Staff. To those inoculated, it will be restful and extremely lucid. Although one purpose of the book is to show the malice aforethought with which the Nazis approached the war, at least one by-product impression is the similarity of high-class staff work at the top of their government to that in any other government, both in its faults of conception and in its virtues of execution. There are points in the book where the author shows a lack of familiarity with comparable data on other countries than Germany, or a lack of imagination in making comparisons. He clings to the simple myth that the Nazi war effort was on an all-out basis in the early phase of, or even before, the war, though the Strategic Bombing Survey studies show how false this legend was. He criticizes the Nazis for self-delusion without even a nod at the degree of the same fault present elsewhere. He leaves the reader with no explanation even offered for the remarkable mixture of intelligence and nonsense that Hitler exhibited, though he calls attention to both. And he occasionally fails to add to his documentation from sources long familiar, such as public speeches by Hitler, even where these would help to fill out the narrative and the explanation.—GEORGE S. PETTEE.

INTERNATIONAL LAW AND RELATIONS

The second edition of *Foundations of Modern World Society* (Stanford University Press, 1947, pp. xiii, 928. \$5.00), by Linden A. Mander, gives teachers and others interested in the details of international relations a book which is usable for students as well as unusual—and sound—in its approach. In other words, the volume is more than a "textbook"; it has interpretation of fundamentals, logical arrival at conclusions, and originality (though not as much as the first edition of 1941) as to order of

topics. Adverse criticisms are: (1) some chapters are too long (e.g., XVI, "International Law and Organization," is a short volume in itself); (2) immense detail regarding certain points, especially international administrative tasks, makes for a doctoral dissertation impression (at these places). On the whole, however, the book is a substantial contribution. In the original edition, Professor Mander began with health as an international problem, continued with crime, and then with various economic concerns of mankind, developing a logical arrival at world political organization and the question of security. The purpose of this order of topics was to indicate that the foundation of international problems is human problems. The factual material as well as the method of presentation—over-all and within chapters—emphasized the interdependence of states and peoples in their quest for service and security. International government—political organization with genuine authority—not merely nation-states—must inevitably be their (the peoples') instrument. This glance at the first edition is taken not only because the central ideas of the 1947 revision remain the same, but because, in this reviewer's opinion, the original book was more logical and effective, given this theme. In the present work, the chapters on "The Development of War and Its Effect upon the Sovereign State," "Security: the Problem and Attempted Solution," and "Regional International Organization" are placed at the beginning. The second edition concludes, however, with "International Law and Organization," and it contains a wise choice of new material as well as necessary rearrangements within chapters. For those who wish a full panorama of the dynamics of international relations, this book will be considered a valuable complementary balance to the several excellent works emphasizing power and power politics.—J. WILLIAM ROBINSON.

Immunities and Privileges of International Officials (Carnegie Endowment for International Peace, 1947, pp. xiv, 281, \$2.50), by Martin Hill, is an intensive treatment of a relatively small but increasingly important matter in the field of international organization. Most of the volume is devoted to the experiences of the League of Nations, the Permanent Court of International Justice, and the International Labor Office, regarding diplomatic privileges and immunities, with the governments of the countries in which they were located. The basis for the policy of the League of Nations was to be found in Article 7 of the League Covenant, which reads in part as follows: "Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities." It was recognized in the creation of the League of Nations, and more so now as a result of the League's experiences and the growth of the field of international relations and organization, that if officials connected with international agencies

are to be able to function most efficiently and effectively, they must enjoy a high degree of diplomatic privilege and immunity in all countries, and particularly in those states where they are permanently located. The international position of such officials is even more important than that of ordinary diplomatic agents who act upon a national basis. Two principal questions involved as to officials of international agencies are (1) what levels of officers and employees shall be accorded diplomatic privileges and immunities, and (2) to what extent should governments go in granting these privileges and immunities to international agents? For the most part, Switzerland, Holland, and Canada have been quite liberal in their policy toward employees of international organizations located within their boundaries. With the creation of the United Nations and a host of less important international agencies, the problem of diplomatic privileges and immunities becomes even more important and interesting. This book provides us with an excellent background for study of the matter as it develops in the future.—CARL M. FRASURE.

Apparently, in retrospect, the controversy between "sea power" and "air-power" advocates in the inter-war period was in considerable part one of semantics. According to Captain W. D. Puleston, U.S.N. (Retired), in his *The Influence of Sea Power in World War II* (Yale University Press, 1947, pp. x, 310, \$5.00), "partly because Mahan did not define 'sea-power' concisely, that term has often been used in the limited meaning of 'naval power' " (p. 15). For Puleston, a biographer of Captain Mahan, the term "sea-power" relates to "gaining and maintaining control of the sea and thereby dominating the land," whether the instruments of control are surface-, sub-surface-, or air-ships. "Sea-power was the decisive factor in the first World War" (p. 12), and in the second. In the Pacific, sea-power, with its triphibious operations, had reduced the Japanese to a position in which the atomic bomb and Russian intervention merely hastened their decision to surrender unconditionally (p. 289). Puleston happily is not dogmatic: he gives adequate weight to other factors influencing the course of events in the last World War. In his preface, he says: "This is not a narrative history of the war, not a critique of its naval operations. This work is primarily concerned with the objectives of the political leaders who headed the Axis and anti-Axis nations, and with the strategies used by their admirals, generals, and air marshals to attain these objectives by the use of land, sea, and air forces. The book endeavors to show the consequences of sea and land campaigns rather than the tactics of battles; . . . " Although some general narrative might be regarded as necessary to the achievement of these purposes, Captain Puleston has given us primarily a detailed narrative of the use of sea-power in World War II. Furthermore, there is no extensive examination and discussion

of strategy, except for some of the grand phases; and there is considerable description of tactics. Perhaps experts in naval history will quarrel with Captain Puleston on other grounds. Wherever possible, the data used have been obtained from official sources, including evidence gathered from personnel of the defeated powers. This authenticity and the wealth of detail set forth should commend the book to historians. In the concluding chapter on "New Weapons and World Relations," the author explores some of the implications of the use of nuclear energy. Changes in types of instruments of control, construction, strategy, and tactics will undoubtedly have to be made, but "not until the oceans cease to be the highways of the world will sea power lose its influence" (p. 300).—HENRY REIFF.

Dorothy Borg's *American Policy and the Chinese Revolution, 1925-1928* (American Institute of Pacific Relations and the Macmillan Co., 1947, pp. x, 440, \$5.00) is one of those rarities among doctoral dissertations, a piece of sound scholarly writing which can be read with enjoyment by the non-specialist. Through three and a half years—from the spring of 1925 to the fall of 1928—it traces the course of American policy in the face of a rising storm of Chinese nationalism. The Shanghai Incident of May 30, 1925; the Special Tariff Conference which assembled at Peking in the fall of 1925, and the Commission on Extraterritoriality which began its sessions in January, 1926; the northward advance of the Kuomintang forces into the Yangtze valley; the Nanking incident of March 24, 1927; the eventual overthrow of the Peking government and the establishment of the Kuomintang régime at Nanking—these and other developments each brought to the American government its corresponding problem of policy. The developments, the policy problems, the pressures of American public opinion and the counter-pressures exerted at Washington or in Peking by the other "treaty powers," comprise the warp and woof of Dr. Borg's neatly woven fabric. In her account—which is based upon State Department documents, unofficial publications, and personal consultation with some of the leading participants—Secretary Kellogg stands out as consistently opposed to any American interference in China's internal affairs. Although Mr. Kellogg was bitterly criticized by American business interests in China and was under constant pressure by our minister to that country, who favored coöperation with the other treaty powers, his policy was overwhelmingly supported at home, both in and out of Congress. The Kellogg policy, as Dr. Borg points out, constituted a retreat from the Washington Conference formula; but it effectively discouraged any international action for the forceful maintenance of the outworn treaty régime, and thereby facilitated the unification of China by the Kuomintang.—G. NYE STEIGER.

The Future of Freedom in the Orient (Norton and Co., 1947, pp. 233, \$3.00) is superior to many of the books written about southern Asia and China by foreign correspondents. Ralph Coniston is a careful observer of the contemporary situation, and many of his appraisals are shrewd and accurate. Apparently, however, he knows very little about the events that preceded his arrival in India and Southeast Asia. He ascribes the inadequacy of education and the social services to the indifference or deliberate policy of the colonial powers, whereas the primary cause was the inadequacy of revenue. India, for instance, had to provide services for about three times the population of the United States with about half the income of New York City. The author is very skeptical as to whether independence will improve the political or economic position of the common man. He brings forward strong reasons for his belief that a foreign bureaucracy will be replaced by an oligarchy of the Western-educated minority. He doubts whether the new rulers will be more willing to work for genuine democracy than the present Kuomintang dictatorship in China. He does not believe that industrialization will do much to improve the standard of living of the masses. Mr. Coniston does not see how it can be financed except by heavy American loans, and he suspects that it will inure to the benefit of the wealthy and influential manufacturers. The author also foresees the likelihood that independence will be followed by civil wars. In India, at least, he has proved a true prophet. The book is a useful corrective to the belief that independence will solve the problems of the colonial peoples.—LENNOX A. MILLS.

"Progress and Prospects of the United Nations" is the subject of the July, 1947, issue of *The Annals of the American Academy of Political and Social Science* (Vol. 252, pp. 183, \$2.00). Edited by Ernest Minor Patterson, the volume contains the papers presented at the annual meeting of the Academy. Six of the contributors base their conclusions on direct participation in the operations of the infant international organization, while the other nine have observed the experiment from the outside. Thanks to their combined efforts, the reader may obtain a reasonably satisfactory though not complete assessment of the results achieved and of the hopes of future years. United Nations officials cover such topics as the international monetary fund; aid for the world's children; America's untiring efforts to establish peace; forces influencing the movement of the new international ship of state; a comparison with the League of Nations, especially in regard to disarmament and security; and an evaluation of the Security Council. James Burnham and George Soule give two different interpretations of the purposes and achievements of the United Nations: one concludes that the United Nations as now constituted "neither

is, nor can lead to, a workable world order," while the other contends that under the patient, persistent leadership of the United States the United Nations will continue to enlist the support of all peoples "who want peace and ordered liberty." Robert H. Hadow gives assurance that in spite of ideological differences, "the foundations are being well and truly laid" by all the nations that aspire to democracy. Morris S. Rosenthal describes the rôle of the United States in world trade; while Raymond F. Mikesell considers trade practices under the proposed I.T.O. charter; Taraknath Das emphasizes developments in the sphere of human rights; Helen Gahagan Douglas gives her impressions of the United Nations; Clark M. Eichelberger points out the ways in which the United Nations Charter has been evolving under pressure of events; and Wellington Koo states the basic problems confronting the United Nations. The general impression gained by the reader of these fifteen appraisals is one of realism rather than one of optimism or pessimism. After a year and a half of the trial-and-error method in the field of organized international coöperation, students of the United Nations may not reasonably expect more than slow progress and fair prospects.—J. VAN DER ZEE.

One of the most significant achievements of the League of Nations was the establishment of international controls over the trade in dangerous drugs. Beginning with the Hague Convention of 1912 as a base, the League, through its Advisory Committee on Traffic in Opium and Other Dangerous Drugs and the Drug Control Service of the Secretariat, developed what amounts to a planned economy in the narcotic field. How this planned production and planned distribution of dangerous drugs operated under supervision of international bodies is described fully by Bertil A. Renborg in *International Drug Control* (Carnegie Endowment for International Peace, pp. xi, 275, \$2.50). As a chief of section in the Drug Control Service of the Secretariat, Renborg had full opportunity to observe the growth of the League-sponsored supervisory bodies, the problems that were encountered, the results achieved, and the gaps in the regulatory structure that remain unfilled. The book begins with a concise analysis of the international conventions forming the legal basis of control and proceeds to a description of the agencies that administer the program, their jurisdiction, and their interrelationships. There follows a discussion of the problems confronted and the administrative devices used to effectuate control. Concluding chapters give an appraisal of results and the outlook for the future under United Nations supervision. An appendix lists the signatories to the several conventions and includes several key forms used by the control agencies. This is a valuable record of effective international administration, and it raises provocative questions

in the reader's mind regarding the applicability of the techniques of control developed empirically in the drug field to other areas where international regulation is indicated.—WILLIAM J. RONAN.

Tom Galt's *How the United Nations Works* (Thomas Y. Crowell Co., 1947, pp. vi, 218) is designed for children in the upper grades. Its language and drawings are on their level; its homey analogies and simple explanations are appropriate. The book presents elementary ideas of international law and of the organization and functions of each major UN agency. Galt's frequent use of the word nation (or a country's name) for state, government, interest groups, or individual officials is unfortunate. The book's attractive drawings often employ the very ethnocentrism which Galt denounces. A less moralizing, more realistic style would be more effective. While the U.S.-Russian struggle imperils the existence of the UN, Galt pleasantly explains that nations will dutifully obey the International Court of Justice; and to this he adds the dictum that "if the nations sign more interesting treaties, the Court will have more interesting cases" (p. 85).—GARLAND DOWNUM.

In a pamphlet, *Non-Self-Governing Territories* (United Nations Publications, Lake Success, New York, 1947, pp. 152), the Secretary-General of the United Nations has published five summaries of information on fifty-four colonies transmitted to him by the governments of Australia (1), France (16), New Zealand (1), the United Kingdom (29), and the United States (7) during 1946. Under Chapter XI of the Charter, members of the United Nations which have already assumed responsibility for the administration of territories whose people have not yet attained a full measure of self-government undertake "to transmit regularly to the Secretary-General for information purposes" a wide range of information. Here, for the first time in history states agree to forward reports upon what heretofore were considered matters of national concern only. Reports from Belgium and the Netherlands have not yet been published, and Portugal and Spain as non-members are not obligated to report upon their colonies.—W. LEON GODSHALL.

POLITICAL THEORY AND MISCELLANEOUS

Foundations of Democracy (Harper and Brothers, 1947, pp. 266, \$2.00), edited by F. Ernest Johnson, is a collection of lectures delivered at the Institute for Religious and Social Studies. As is often the case in a series of lectures by different individuals about a common topic, this series lacks integration and fails to give a consistent, well-rounded, fruitful analysis of the topic under discussion. The first lecture, by the editor, raises a number of important questions about democratic government.

What he says, however, has about as little to do with what follows as the chaplain's prayer at the opening of a national nominating convention. Though the topic under discussion is democracy (surely a form of government, if anything, and therefore the special province of the political scientist), there is not a single political scientist among the lecturers. This is not to deny that others may be competent to deal with politics, but it does raise a question as to what could have been the basis for choosing the participants. This question bears all the more weight when it is noted that the lecturers have little to say about the real problems of democracy as a system of government. Lectures II through VII possess a certain amount of unity in that they deal with the sources of democracy: classical, Hebrew, medieval, reformation, humanistic, literary, and the Founding Fathers. But, because the lectures offer no common definition of the "democracy" whose sources are being discussed, they lose much of their collective value. Some of the material presented is interesting, e.g., "Classical Sources" by Irwin Edman, "Medieval Sources" by George N. Shuster, "Humanistic Sources" by Horace M. Kallen. But it contributes little to an understanding of present-day democracy. The remaining lectures present no coherent pattern at all. There are lectures on "Democracy and Economic Liberalism," "The Rôle of Economic Groups," "Democracy in a Collectivist Age," "Education for Freedom," "Democracy in Educational Practice," "Democratic Conceptions of Authority," "Revelation and Prophecy," "Democracy and Ethical Realism," "Organized Religion and the Practice of Democracy," and "Democracy and Zionism." Here, too, there is no common conception of the meaning of democracy (surely many of the lecturers would repudiate George Houston's attempt in "Democracy and Economic Liberalism," Lecture IX, to dissociate democracy from majority rule and to associate it with a particular kind of economic system). There is no common problem discussed by the various lecturers; there is little or no attempt to integrate and coordinate the subject-matter; much of the discussion is not about democracy at all—that is, democracy as a system of organizing political power. At the conclusion, the reader, though more learned, will be little wiser. Some of the lecturers have interesting things to say. Some of them have valuable things to say. But a political scientist must conclude that as a series of lectures about democracy, they present an excellent example of saying much that is worth little about a topic of great importance.—E. M. KIRKPATRICK.

Publication of *Freedom and Reform; Essays in Economic and Social Philosophy* (Harper's, 1947, pp. vii, 409, \$3.50), by Frank H. Knight, was initiated by some of Professor Knight's students and colleagues who felt that assembling the papers in a single volume would greatly enhance their

usefulness. Although the papers range over the entire field of the social sciences and deal also with the problem of the relation of natural science to the social studies, the book has essential unity, as indicated in its title. "Freedom," says Professor Knight, "is a mystery which . . . has been discussed by philosophers and theologians throughout the ages." Common to their discussion, however, he finds a confusion between freedom and power which has led them to unwarranted conclusions. To him, freedom is not something detached and abstract, but "freedom to use power, of which the individual may possess much or little or none at all and be equally free." With regard to this central problem, as to many others, the author cuts cleanly as with a sharp scalpel through *clichés* and stereotypes and confusions of thought. Space permits only the following brilliantly devastating examples. Of the Utilitarians, he writes: "If pleasure is defined as identical with motivation in general, there can be no motive but pleasure—and if it is defined in any other way, there will necessarily be other motives"; and of Marxist dialectic materialism, ". . . the position reduces all discussion to nonsense, all utterance to noise or physical configuration of some sort. The statements of the propagandist himself are also social and historical phenomena. And to assert that they are merely the physical effects of physical causes amounts to saying that one is not saying anything, a self-contradiction which seems to surpass any other conceivable example of the species self-contradiction in self-contradictions." Professor Knight finds in socialism much less that is essentially different from free enterprise than is currently believed. "The problem of socialism (also) . . . is purely one of degree with respect to every detail in the complex of changes proposed." He considers absurd the attempted distinction between personal capacity and property in the narrow sense in relation to socialization. He himself believes that socialistic government will tend always to become authoritarian, and that the "program of socialism seems to consist primarily in transferring from business to politics the whole competitive struggle for power." The real problem here, he holds, is that of what government will do, which in turn depends on the sort of persons in government office. He finds men—and women—in government still only human beings with human motives and weaknesses, and thinks that there is no especial reason for hoping for superhuman results. The problem then is one of education in the larger sense, and primarily for the citizenry: ". . . the ultimate task of society . . . and of government . . . is to create such individuals . . . that agreements on right ideals will be possible, and will be achieved, by non-political processes." In his treatment of a moderately socialized democracy, to which the author pins his faith, all of the distinctive characteristics of democracy as principle and procedure receive attention. For the reviewer, however, greater charity and cogency would have been achieved by a more methodi-

cal discussion of the rational and moral nature of man, in which it is believed that the essence of democracy exists, and of the deductions to be made from that basic fact, and the procedures that flow from it. The *credo* of the book is well summarized in the final paragraph: "The alternative to dictatorship is simply democracy in general as we have known it, struggling to solve its problems, along lines already familiar. It means coöperation in thinking and acting to promote progress, moral, intellectual, and esthetic, with material and technical progress as the basis of all, and all under the limitation of gradualism and 'seasoned' with humor and play. The combination is the meaning of liberalism."—ELLEN DEBORAH ELLIS.

Les Doctrines Politiques Modernes (Brentano's, 1947, pp. 322, \$2.50) is a series of twelve studies, by as many authors, arising from discussions organized at *l'École Libre des Hautes Études de New York*, and introduced in this volume by B. Mirkine-Guetzévitch. No unity is intended in the series, no single doctrine presented. A group of specialists contribute from their several angles. The studies, arranged in three sections, refer in the first part to the *objet*. First, Jean Gottmann reviews succinctly and with comprehensive perspective the rise and the pretensions of geopolitics, emphasizing the French contribution to the study of geographical factors in politics more than in the relevant discussions in English. Gottmann concludes, as against the materialism of the extremer doctrines, some of them American (Spykman), that there is some reason to speak now again of wars of religion. Claude Levi-Strauss, in a study translated from English, presents a theory of power as reflected in a primitive society, that of the Nambikara in Brazil, suggesting that it is not a question of who is the best tribal chief . . . "le chef n'est pas interchangeable . . . le chef pré-existe." Next, Mendizabal, jurist, presents an elementary review of the idea of the rights of man, the most refreshing part of which, to the reviewer, is the account of its very early history in medieval Spain. Alfred Stern's "Mythology and Positivism in the Conception of the State" identifies metaphysical conceptions in general with tendencies toward the sway of the "myth," while positivism is seen as fruition of the rational and the critical judgment. Of a different caste is the discourse on *Le Droit d'Insurrection* by Louis Marlio. Science has made difficult the protection of this right. The second part of the book treats of individual thinkers and individual political systems: Mirabeau by René de Messirées, De Rivarol by Alphonse Roche, De Bonald by Alexandre Koyre, Maurras by Auguste Viatte. The study of "Kant and the French Revolution" by P. Schrecker throws new light upon the kinship of Kant with the French Revolution and in point of depth is perhaps the most rewarding of the entire series. Also the study of Bonald, the *true* "inspirer of the anti-demo-

cratic thought of the last century," is significant of original scholarship. Of the two contributions in the third part, the discussion of German National Socialism by Ernest Hamburger covers well-worn ground in a popular way, and surely exaggerates here and there, as upon the German natural bent for authority. The final article, by Mirkine-Guetzévitch himself, on "The Republican Tradition in the Political Thought of the Resistance," while something is added, seems briefly and hastily put together, perhaps to lend a degree of appropriateness to the concluding section. This is not the well known jurist at his very high best.—WALTER SANDELIUS.

Max Weber: The Theory of Social and Economic Organization (Oxford University Press, 1947, pp. 436, \$6.00), by Talcott Parsons, represents a translation of Part I of Weber's *Wirtschaft und Gesellschaft*. Although this was in turn originally published as Volume III of a still larger collaborative work, *Grundriss der Sozialökonomik*, in the planning of which Weber played a major rôle, the material has not heretofore appeared in English. The translation of the first two chapters is that of Mr. A. M. Henderson as revised and edited by Professor Parsons, and the translation of the last two chapters is the work of Parsons alone. Professor Parsons has also written an introduction of approximately eight-five pages which is both a summary and a critique of Weber's work. It is, of course, impossible even to outline the work of a "systematic" German thinker like Weber in space so short as this. Suffice it to say that what the present work represents is basically a sociological approach to economics. Weber himself states emphatically that what he is about to present is not in any sense "economic theory." Rather he is concerned with the social, or perhaps it would be better to say institutional, structure of economic activity, to which traditional economic theory has always accorded a more or less *a priori* acceptance. But Weber's entire treatment of economics is dominated, as Parsons points out, by two deep underlying convictions. The first of these is the fundamental variability of social institutions; the second, closely allied, is the inherent instability of social structures. In these days of rapid economic change, it should be evident that Weber's approach is a fruitful one, and it is a reasonable assumption that his name will find its way with greater and greater frequency into the literature of American scholarship. Professor Parsons has thus performed a signal service in making available in English the work of a man who heretofore has been known almost exclusively through *The Protestant Ethic and the Spirit of Capitalism*.—HILDEN GIBSON.

Without saying anything particularly new, Bertrand Russell, in the slim volume, *Philosophy and Politics* (Cambridge University Press, 1947, pp. 29), manages to put what he does say wittily and well. Originally

given as a lecture before the National Book League of Great Britain, the essay constitutes a brief defense of empirical approaches to politics and includes sharp attacks on Plato and Hegel. "That Plato's *Republic* should have been admired, on its political side" Russell contends, "is perhaps the most astonishing example of literary snobbery in all history." And he goes on to characterize the *Republic*, somewhat unjustly, it seems to me, as a "totalitarian tract." As for Hegel, his philosophy "is so odd that one would not have expected him to be able to get sane men to accept it, but he did." And Russell quips that Hegel set out his philosophy "with so much obscurity that people thought it must be profound." With great vigor, Russell defends Locke's empiricism. Locke's theory of knowledge and his social conceptions, he argues, constitute the basis for both modern science and liberal political philosophy; and it is only through an outlook like that of Locke that we can preserve the attitude which will avoid fanaticism in politics and disaster to civilization. As usual, Russell is delightful reading. But I have a feeling that he over-states, and hence weakens, the case against his philosophical opponents. Likewise, he can legitimately be charged with a somewhat uncritical attitude toward an English empiricism which, after all, is not without flaws.—MULFORD Q. SIBLEY.

As a summary of the wartime experience with integrated area curricula in Army training programs, *Area Studies in America Universities* (Washington: American Council on Education, 1947, pp. xl, 89, \$1.00), by William Nelson Fenton, is excellent. It is clear, concise, valuable reading for committees and individuals engaged in establishing integrated curricula in the social sciences or integrated area programs. The volume is one of a series initiated by the Commission on the Implications of Armed Service Educational Programs, appointed by the American Council on Education. The Commission employed William Nelson Fenton and Elizabeth Bacon, both anthropologists, to make the area program study. They visited a broadly representative group of universities (twenty-seven in all) that provided civil affairs training programs and foreign area and language curricula. There they saw the programs in operation, talked with teachers and administrators, and visited classes. The summary of the survey, written by Mr. Fenton, offers a comparative sketch of the activities carried on at the several universities and "seeks to identify some of the salient possibilities and problems bound up with the future of area study." The programs and the problems of getting under way, staffing, integration, administration, instruction, and the like are competently presented. And many pertinent observations are included, e.g., that departmental jealousies stand in the way of integration; that it is difficult to adapt older professors, already committed to departments and disciplines, to the new

concepts involved in such programs; that men with field or practical experience are often inferior lecturers. Though such observations may be obvious to faculty members who have been concerned with curriculum revision in recent years, it is so easy and so convenient to overlook matters striking close to home that it is valuable to have them pointed up by an objective outsider. Our university curricula need revision, including provision for integration in the social sciences. It is disappointing, therefore, that Fenton's last chapter, "Implications For Future Area Study Programs," is the least satisfactory. Many of the implications noted in the earlier sections are not pulled together, and there is not sufficient consideration of the relation of the integrated program to adequate training in one of the established disciplines. One can argue, without committing oneself to "departmental nationalism," that training in the methodology and the acquisition of theoretic understanding in economics, political science, or one of the other disciplines is an important and arduous undertaking and that without such training familiarity with the descriptive material about an area may not produce useful results. Integrated programs can ignore this only at the peril of destroying their utility. The American Council on Education and its Commission, however, deserve praise for facilitating the publication of this volume.—E. M. KIRKPATRICK.

According to the author's preface, the primary purpose of Wilbur W. White's, *White's Political Dictionary* (World Publishing Co., 1947, pp 378, \$3.50) is "to interpret the political world to the general reader," and the book is "not intended primarily for political scientists." Professor White none the less has provided the political scientist with a convenient reference volume which can be recommended for student use. The items, arranged alphabetically, comprise not only general terms, but specific legislative acts, slang expressions, and abbreviations. Words and phrases taken from a couple of pages include, for example, "honest graft," "Hoovercrat," "Hot oil," "hot potato," "house arrest," "H. R. 1776," and "Hundred Days." While attention is given to origins, sources and authority for data are not given. Terms in the fields of private law and economics have generally been excluded. While the political scientist might wish to argue over some of the definitions and the propriety of certain omissions, the volume seems well done in the light of the objective. The Charter of the United Nations and the Covenant of the League of Nations have been added as appendices.—WILLIAM O. FARBER.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Adams, Brooks. America's economic supremacy; new ed. Pp. 194. N.Y.: Harper. 1947.

Altman, George T. Lurking taxes; how taxes affect our everyday personal and business affairs. Pp. 36. Chicago: Commerce Clearing House. 1947.

Bakke, E. W. Mutual survival; the goal of unions and management. Pp. 91. N.Y.: Harper. 1947.

Bartlett, R. J., ed. The record of American diplomacy; documents and readings in the history of American foreign relations. Pp. 768. N.Y.: Knopf. 1947.

Beck, H. P. Men who control our universities; the economic and social composition of governing boards of thirty leading American universities. Pp. 240. N.Y.: King's Crown Press. 1947.

Bollens, John C. Administrative reorganization in the states since 1939 [mimeo.] Pp. 49. Berkeley: Univ. of Cal. 1947.

Braun, Kurt. Union-management coöperation; experience in the clothing industry. Pp. 270. Washington: Brookings Inst. 1947.

Campbell, J. C., and *Others.* The United States in world affairs, 1945-1947. Pp. 601. N.Y.: Harper. 1947.

Commission on Hospital Care. Hospital care in the United States. Pp. 655. N.Y.: Commonwealth Fund. 1947.

Committee on Public Debt Policy. Our national debt and the budget. Pp. 19. N.Y.: Author. 1947.

Council of State Governments. Grants-in-aid and other federal expenditures within the states; rev. ed. Pp. 27. Chicago: Council of State Govts. 1947.

Currie, Brainerd, ed. Interterritorial freight rates. Pp. 644. (Law and Contemp. Problems, vol. XII, no. 3.) Durham (N.C.); Duke Univ. Sch. of Law. 1947.

Derbigny, I. A. General education in the Negro college. Pp. 264. Palo Alto (Cal.): Stanford Univ. Press. 1947.

Despontin, Luis Alberto. El derecho del trabajo, su evolución en América. Pp. 429. Buenos Aires: Editorial Bibliográfica Argentina. 1947.

Ewing, C. A. M. Congressional elections, 1896-1948; the sectional basis of political democracy in the House of Representatives. Pp. 123. Norman: Univ. of Okla. Press. 1946.

Flynn, Edward I. You're the boss. Pp. 254. N.Y.: Viking. 1947.

Gavian, Ruth, Gray, A. A., and *Groves, E. R.* Our changing social order; 3rd ed. Pp. 616. Boston: D.C. Heath. 1947.

Halborn, Hajo. American military government; its organization and policies. Pp. 256. Washington: Infantry Jour. 1947.

Johnson, C. O. American national government; 2nd ed. Pp. 704. N.Y.: Crowell. 1947.

Kaplan, A. D. H. The guarantee of annual wages. Pp. 269. Washington: Brookings Institution. 1947.

Kirk, Grayson. The study of international relations in American colleges and universities. Pp. 123. N.Y.: Council on For. Relations. 1947.

Marti, David B. Income tax and social security course; 3rd ed. Pp. 119. N.Y.: Prentice-Hall. 1947.

Mayer, Milton. These few [a program for minorities]. Pp. 22. Chicago: Human Events Associates. 1947.

Mitchell, Broadus, and Mitchell, Louise P. American economic history. Pp. 928. Boston: Houghton Mifflin Co. 1947.

Morgan, Theodore. Income and employment. Pp. 295. N.Y.: Prentice-Hall. 1947.

Nevins, Allan. Ordeal of the union. 2 vol. Pp. 607, 598. N.Y.: Scribner. 1947.

Odegard, Peter H., and Helms, Elva A. American politics; 2nd ed. Pp. 909. N.Y.: Harper. 1947.

Orfield, L. B. Criminal procedure from arrest to appeal. Pp. 645. N.Y.: N.Y. Univ. Press. 1947.

Parkes, Henry B. The American experience; an interpretation of the history and civilization of the American people. Pp. 365. N.Y.: Knopf. 1947.

Porter, Albert O. County government in Virginia; a legislative history, 1607-1904. Pp. 356. N.Y.: Columbia Univ. Press. 1947.

Senior, Clarence. Puerto Rican emigration [mimeographed]. Pp. 166. Rio Piedras: Soc. Sci. Res. Center, Univ. of Puerto Rico. 1947.

Simon, H. E. Administrative behavior; a study of decision-making processes in administrative organization. Pp. 275. N.Y.: Macmillan. 1947.

Staples, H. L., and Mason, A. T. The fall of a railroad empire: Brandeis and the New Haven merger battle. Pp. 219. Syracuse (N.Y.): Syracuse Univ. Press. 1947.

Thomas, E. C., and Phillips, Hood. Leading cases in constitutional law; 8th ed. Pp. 438. London: Sweet & Maxwell. 1947.

Tobey, James A. Public health law; 3rd ed. Pp. 440. N.Y.: Commonwealth Fund. 1947.

Wick, E. A. The miners' case and the public interest. Pp. 92. N.Y.: Russell Sage Found. 1947.

Articles

Administrative Law. The administrative practitioners bill. *J. D. Randall.* Jour. of Am. Judicature. Soc. Aug., 1947.

Agriculture. Political influence and agricultural research. *C. M. Hardin.* Am. Pol. Sci. Rev. Aug., 1947.

Bar. Legal service offices for persons of moderate means. *R. H. Smith.* Jour. of Am. Judicature Soc. Aug., 1947.

Budget. Some of my best friends are spenders. *John Taber.* Nation's Bus. Oct., 1947.

Business. The new Sherman act; a positive instrument of progress. *E. V. Rostov.* Univ. of Chicago Law Rev. June, 1947.

———. Wages, prices, and profits. *N. H. Engle.* Jour. of Bus. July, 1947.

———. The 1946 term of the supreme court: trade regulation. *S. S. Zlinkoff and R. C. Barnard.* Columbia Law Rev. Sept., 1947.

———. Small business as a social institution. *Kurt Mayer.* Soc. Research. Sept. 1947.

———. Monopoly and the American future. *Wendell Berge.* Va. Quar. Rev. Autumn, 1947.

Civil Liberties. Civil rights—a program for the president's committee. *Will Maslow and Joseph B. Robison.* Lawyers Guild Rev. May-June, 1947.

- . The law of wire-tapping. *Margaret L. Rosensweig*. Cornell Law Quar. June, 1947.
- . The true meaning of the constitutional prohibition of ex post facto laws. *W. W. Crosskey*. Employer free speech—a comparative analysis. *Allen Sinsheimer, Jr.* Univ. of Chicago Law Rev. June, 1947.
- . Legal aspects of drug-induced statements. *L. M. Despres*. Univ. of Chicago Law Rev. June, 1947.
- . The Hatch act decisions. *Ferrel Heady*. Am. Pol. Sci. Rev. Aug., 1947.
- . The administrative power of investigation. *K. C. Davis*. Yale Law Jour. Aug., 1947.
- . Who is loyal to America? *Henry Steele Commager*. Harper's. Sept., 1947.
- . The old issue: new forms of conflict between tyranny and law. *R. C. Stovall*. Am. Bar Assn. Jour. Sept., 1947.
- . Red baiting: point counterpoint. *Broadus Mitchell* and *Tom Kline*. Labor & Nation. Sept.-Oct., 1947.
- Classes. Selected characteristics of classes in a middle western community. *A. B. Hollingshead*. Am. Sociol. Rev. Aug., 1947.
- Congress. The first session of the eightieth congress. *D. W. Hanks, Jr.* The Municipality. Sept., 1947.
- Conscription. Column right! March! *W. M. Morton*. Southwestern Soc. Sci. Quar. Sept., 1947.
- . The why of military training. *Owen J. Roberts*. Freedom and Union. Oct., 1947.
- . The question of universal military training for the United States; pro and con. *Symposium*. Cong. Digest. Oct., 1947.
- Conservation. The use of public lands—a national problem. *W. L. Knous*. The effective use of our water resources. *J. H. Duff*. State Govt. Aug., 1947.
- Constitution. Our constitution and its place in a changing world. *Chester H. Rhodes*. Pa. Bar Assoc. Quar. Oct., 1947.
- Crime and Criminal Law. The proposed Missouri code of evidence. *C. L. Carr*. Univ. of Kansas City Law Rev. Dec., 1946-Feb., 1947.
- . Criminal liability of corporations. *E. M. Dangel*. Charge to the jury in Commonwealth v. Goodale. *Judge Lewis Goldberg*. Law Soc. Jour. May, 1947.
- . The federal rules of criminal procedure. *L. B. Orfield*. Neb. Law Rev. May, 1947.
- . Criminal law for atomic scientists. *Leonard H. Levenson*. Scientific Mo. Sept., 1947.
- Education. An experiment in political education [prisoner of war schools in U.S.] *H. W. Ehrmann*. Soc. Research. Sept., 1947.
- . The Fulbright act [educational exchange]. *Isabel A. Ward*. Far Eastern Survey. Sept. 24, 1947.
- . The rôle of education in our democracy. *R. E. Adams*. Ala. Lawyer. Oct. 1947.
- . Our underpaid college professors. *Noel O. Lewis*. Am. Mercury. Oct., 1947.
- Electioneering. How I used a poll in campaigning for congress. *J. K. Javits*. Pub. Opin. Quar. Summer, 1947.
- Espionage. How not to run a spy system. *Fletcher Pratt*. Harper's. Sept., 1947.
- Foreign Policy. The overseas information and cultural relations program of the department of state. *E. C. Bellquist*. World Affairs Interpreter. Spring, 1947.
- . Le plan Marshall. X. Rev. Pol. et. Parl. July, 1947.

- . The charter of the United Nations and the Lodge reservations. *Leo Gross. Am. Jour. of Int. Law.* July, 1947.
- . Presenting America in American propaganda. *H. M. Spitzer. Pub. Opin. Quar.* Summer, 1947.
- . Reorganization of the state department. *Blair Bolles. For. Policy Reports.* Aug. 15, 1947.
- . Three views on the Marshall offer. *Harold Butler, R. P. Schwarz, and H. G. Nicholas. Fortnightly.* Aug., 1947.
- . American policies and perplexities. *S. K. Ratcliffe. Contemp. Rev.* Sept., 1947.
- . America and the world: Part I. *Erik v. Kuehnel-Leddihn. Cath. World.* Sept., 1947.
- . American policy toward Greece. *W. D. Hadsel. For. Policy Reports.* Sept. 1, 1947.
- . Turkey: aid for what? *Max W. Thornburg. Fortune.* Sept., 1947.
- . Webster's propaganda and the Ashburton Treaty. *R. N. Current. Miss. Valley Hist. Rev.* Sept., 1947.
- . The challenge to Americans. *Henry L. Stimson. Intervention and interventions. Sumner Welles. New aid for new Europe. P. W. Bidwell and William Diebold, Jr. For. Affairs.* Oct., 1947.
- . Our next Pearl Harbor? *Francis and Katherine Drake. Atlan.* Oct., 1947.
- . America's precarious eminence. *Reinhold Niebuhr. Va. Quar. Rev.* Autumn, 1947.
- Foreign Trade. False thinking about exports. *Leverett Lyon. Am. Affairs.* Autumn 1947.
- Judiciary. Some influences of Justice Holmes' thought on current law—insurance. *P. P. Fallon. Neb. Law Rev.* May, 1947.
- . The removal of causes; federal removal jurisdiction in diversity of citizenship cases. *W. M. Evans. Va. Law Rev.* July, 1947.
- . Legal procedure for care of mentally ill. *A. E. Moore. Jour. of Am. Judicature Soc.* Aug., 1947.
- . The 1946 term of the supreme court: civil rights. *Osmond Fraenkel. Columbia Law Rev.* Sept., 1947.
- . The supreme judicial power in the colony of Massachusetts Bay. *Mark De Wolfe Howe and Louis F. Eaton, Jr. New Eng. Quar.* Sept., 1947.
- . Pre-trial in the United States. *Harry D. Nims. Canadian Bar Rev.* Aug.-Sept., 1947.
- . Effect of the presence of a state law question of the exercise of federal jurisdiction. *William T. Coleman, Jr. Nat. Bar Jour.* Sept., 1947.
- Labor. The "run-off" election under the Wagner act—a review and a proposal. *B. F. Willcox and S. M. Levy. Cornell Law Quar.* June, 1947.
- . The United States conciliation service. *Max M. Kampelman. Minn. Law Rev.* June, 1947.
- . Employees' right to organize on company time and company property. *W. L. Daykin. Ill. Law Rev.* July-Aug., 1947.
- . Arbitration of labor disputes. *H. H. Platt. Jour. of Am. Judicature Soc.* Aug., 1947.
- . Collective bargaining by airline pilots. *Herbert Northrup. Quar. Jour. of Econ.* Aug., 1947.
- . Worker response and social background. *Melville Dalton. Jour. of Pol. Econ.* Aug., 1947.
- . Should the federal government require arbitration of labor disputes in

all basic American industries? Pro and con. *Symposium*. Cong. Digest. Aug.-Sept., 1947.

———. Current issues in labor-management relations. *John R. Stockham*. Nat. Bar Jour. Sept., 1947.

———. Rail labor seeks wage boost. *George M. Harrison*. Am. Federationist. Sept., 1947.

———. Cost functions and full employment. *A. H. Hansen*. Trade unions as wage-fixing institutions. *A. M. Ross*. Am. Econ. Rev. Sept., 1947.

———. Collective bargaining and the Taft-Hartley labor act. *J. B. Olverson*. Va. Law Rev. Sept., 1947.

———. State labor legislation in 1947. *Alfred Acee*. Mo. Labor Rev. Sept., 1947.

———. The 1946 term of the supreme court: labor. *L. B. Boudin*. Columbia Law Rev. Sept., 1947.

———. What chances of organic trade union unity? *C. Wright Mills* and *Helen Schneider*. The function of labor unionism in American democratic society. *A. F. Whitney*. I dissent from free enterprise if slavery is labor's share. *Emil Rieve*. Long range plans for the coal industry and union. *John Brophy*. Labor and Nation. Sept.-Oct., 1947.

———. The Taft-Hartley act. *Murray T. Quigg*. Am. Affairs. Autumn, 1947.

———. The human element in adjusting labor disputes. *Luther W. Youngdahl*. State Govt. Oct., 1947.

Money and Banking. Pritchard on the federal reserve bank note: comment. *E. A. Goldenweiser*. Jour. of Pol. Econ. Aug., 1947.

O.W.I. The utilization of social scientists in the overseas branch of the office of war information. *L. W. Doob*. Am. Pol. Sci. Rev. Aug., 1947.

Personalities. The enigma of Woodrow Wilson. *Arthur S. Link*. Am. Mercury. Sept., 1947.

———. Jefferson Davis, ardent American. *C. C. Tansill*. Ala. Lawyer. Oct., 1947.

———. Gruening of Alaska. *Richard Neuberger*. Survey Graphic. Oct., 1947.

Political Parties. Do the voters want the parties changed? *G. H. Smith* and *R. P. Davis*. Pub. Opin. Quar. Summer, 1947.

———. Activization of reaction in USA [in Russian]. *V. Lan*. World Econ. & Pol. [Russian]. July, 1947.

———. The democrats and the future. *Ellis Arnall*. Yale Rev. Autumn, 1947.

———. U.S.A. political prospects. *J. King Gordon*. Can. Forum. Oct., 1947.

Propaganda. Proselytizing in the Catholic press. *Heinz Eularu*. Genesis of one "government propaganda mill." *T. Swann Harding*. Pub. Opin. Quar. Summer, 1947.

Public Debt. The position of the treasury bill in the public debt. *E. C. Simmons*. Jour. of Pol. Econ. Aug., 1947.

Public Utilities. Public utility holding companies: the death sentence. *William H. Anderson*. Jour. of Land and Pub. Util. Econ. Aug., 1947.

———. Free enterprise and the clenched fist. *A. W. Coolidge*. Pub. Util. Aug. 14, 1947.

———. Flood control without power. *R. A. Schmidt*. Should customer contributions be charged against the utility. *M. H. Diels*. Pub. Util. Sept. 11, 1947.

———. The Taft-Hartley act's bearing on transit operation. *Philip B. Willauer*. Pub. Util. Sept. 25, 1947.

———. State regulation in gas conservation. *Ernest D. Thompson*. Where is the FPC heading in gas regulation? *Samuel H. Crosby*. Pub. Util. Fort. Oct. 9, 1947.

Race Relations. Race restrictions on ownership or occupancy of land. *Loren Miller*. *Lawyers Guild Rev.* May-June, 1947.

Radio. Kaltenborn edits the news. *Giraud Chester*. *Am. Mercury*. Oct., 1947.

Rent Control. The Virginia emergency fair rent act of 1947. *J. W. Willis*. *Va. Law Rev.* July, 1947.

Social Security. Current trends in basic principles of workmen's compensation. *Samuel B. Horovitz*. *Law Soc. Jour.* May, 1947.

State Government. Popular legislation in California, 1936-1946. *Max Radin*. *Cal. Law Rev.* June, 1947.

———. Indiana legislation—1947. *Editors*. *Ind. Law Rev.* July, 1947.

———. Can the states do the job? *T. J. Herbert*. *State Govt.* Aug., 1947.

———. State constitutional law in 1946-47. *Foster H. Sherwood*. *Am. Pol. Sci. Rev.* Aug., 1947.

Taxation. Federal income tax treatment of family partnerships since the *Tower* and *Lusthaus* cases. *T. C. Sizer*. Practice before field offices of the bureau of internal revenue. *J. S. Best*. *Wis. Law Rev.* May, 1947.

———. Significant developments in the law of federal taxation, 1941-1947, part II. *P. G. Kauper*. *Mich. Law Rev.* May, 1947.

———. Co-op tax exemption—a threat to free enterprise. *Paul W. Shafer*. *Pub. Util.* Aug. 28, 1947.

———. Burden of import duties with fixed exchange rates. *E. R. Rolph*. *Am. Econ. Rev.* Sept., 1947.

———. Michigan's community property tax problems. *George Weisbard*. New state sales taxes. *Edward Roesken*. The business purpose doctrine. *G. B. Lourie*. Accounting methods for income tax purposes. *William Margulies*. *Taxes*. Sept., 1947.

———. Tax frauds and voluntary disclosures. *J. P. Wenchel*. *Pa. Bar Assoc. Quar.* Oct., 1947.

———. Non-resident estate taxes under the United States and the United Kingdom convention. *H. W. Sweeney*. *Taxes*. Oct., 1947.

Trademarks. A review of the new trademark manual. *Lenore B. Stoughton*. *Mich. Law Rev.* May, 1947.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Amery, L. C. M. S. Thoughts on the constitution. Pp. 106. London: Oxford Univ. Press. 1947.

Blanchard, Paul. Democracy and empire in the Caribbean; a contemporary review. Pp. 390. N.Y.: Macmillan. 1947.

Brockway, A. Fenner. Inside the left; thirty years of platform, press, prison, and Parliament; new ed. Pp. 352. London: G. Allen & Unwin. 1947.

Chamberlin, W. C. Economic development of Iceland through world war II. Pp. 141. N.Y.: Columbia Univ. Press. 1947.

Coates, Robert Hamilton, ed. Features of present-day Canada. Pp. 266. (Annals, *Am. Acad. Pol. & Soc. Sci.*, Thorsten Sellin, ed.) Philadelphia: *Am. Acad. Pol. & Soc. Sci.* 1947.

Conde, Francisco Javier. Representación política y regimen español, ensayo político. Pp. 228. Madrid: Subsecretaría de Educación Popular. 1945.

Dallin, David J., and *Nicolaevsky, B. I.* Forced labor in Soviet Russia. Pp. 346. New Haven (Conn.): Yale Univ. Press. 1947.

Desmarest, Jacques. La politique de la main-d'oeuvre en France. Pp. 273. Paris: Presses Universitaires de France. 1946.

Fischer, Louis. Gandhi and Stalin; two signs at the world's crossroads. Pp. 183. N.Y.: Harper. 1947.

Frewer, Louis B. Bibliography of historical writings published in Great Britain and the Empire, 1940-1945. Pp. 366. N.Y.: Wm. Salloch. 1947.

Hall, W. P., and Davis, W. S. The course of Europe since Waterloo; 2nd ed. Pp. 1100. N.Y.: Appleton-Century. 1947.

Herzog, Wilhelm. From Dreyfus to Petain: the struggle of a republic; trans. Pp. 321. N.Y.: Creative Age Press. 1947.

Kidman, John. The Canadian prison; the story of a tragedy. Pp. 115. Toronto: Ryerson Press. 1947.

Lewin, Julius. Studies in African native law. Pp. 181. Philadelphia: Univ. of Pa. Press. 1947.

Mandelli, Humberto A. Constituciones de Tucumán, 1820-1856. Pp. 254. Cordoba: Impr. de la Univ. 1946.

Markham, R. H. Tito's imperial communism. Pp. 304. Chapel Hill: Univ. of N. C. Press. 1947.

Naft, Stephen. Labor in Latin America. Pp. 32. N.Y.: News Background, 2 W. 16 St. 1947.

Payne, P. S. R. The revolt of Asia. Pp. 305. N.Y.: John Day. 1947.

Pollock, James K. Change and crisis in European government. Pp. 363. N.Y.: Rinehart. 1947.

Pollock, James K., and Meisel, J. H. Germany under occupation. Pp. 306. Ann Arbor (Mich.): Geo. Wahr Pub. Co. 1947.

Qureshi, Ishtiaq H. The administration of the sultanate of Delhi, 2nd. rev. ed. Pp. 313. Lahore: Sh M. Ashraf. 1944.

Rose, William J. Poland's political parties, 1919-1939. Pp. 28. Hook (Surrey): Polish Pubns. Committee. 1947.

Schmidt, Walter. Beamtenrecht, eine einföhrung für anwörter und andere berufsfremde dienstkräfte. Pp. 72. Stuttgart and Berlin: W. Kohlhammer. 1943.

Taswell-Langmead, T. P. English constitutional history from the Teutonic conquest to the present time; 10th ed. rev. and enl. London: Sweet & Maxwell. 1946.

Warburg, J. P. Germany—bridge or battle. Pp. 397. N.Y.: Harcourt. 1947.

Yesipov, B. P., and Goncharov, N. K. "I want to be like Stalin"; trans. Pp. 150. N.Y.: John Day. 1947.

Articles

Argentina. Perón: fascism's newest face. *Stephen Naft.* Am. Mercury. Sept., 1947.

Australia. Evidence of bad character in criminal trials. *J. A. Redmond.* Jurisdiction in divorce. *E. M. R.* Aus. Law Jour. June 13, 1947.

———. Financial relations between the Australian commonwealth and the Australian states. *R. E. Moffat.* Can. Jour. of Econ. & Pol. Sci. Aug., 1947.

Austria. Austria: problem of complicity and responsibility. *R. Rie.* Dalhousie Rev. July, 1947.

———. Austria: once liberated, twice shy. *John W. Vandercook.* Harper's. Oct., 1947.

Bermuda. And now Bermuda. *E. La Mothe Stowell.* Nat. Rev. Oct., 1947.

British Commonwealth & Empire. The end of dominion status. *F. R. Scott.* So. Afr. Law Jour. May, 1947.

———. Present-day problems of the British empire [in Russian]. *J. Lemin.* World Econ. & Pol. [Russian]. June, 1947.

British West Africa. British West African colonies in transition. *F. J. Erroll*. *Crown Colonist*. Sept., 1947.

British West Indies. Planning in the British West Indies. *Harley V. Usill*. *World Affairs*. Fall, 1947.

Bulgaria. Revulsion in Bulgaria. *G. C. Logio*. *Contemp. Rev.* Sept., 1947.

Canada. Canada; a power vacuum of world politics. *G. A. Bevan*. *Dalhousie Rev.* July, 1947.

———. Background of Canada's political parties. *Claude Sanagan*. *Liberal Mag.* Aug., 1947.

———. Town-country relations and the problem of rural leadership. *Jean Burnet*. The rural community and political leadership in Saskatchewan. *S. M. Lipset*. Parliamentary representation in Canada. *Norman Ward*. *Can. Jour. of Econ. & Pol. Sci.* Aug., 1947.

———. Insanity as a criminal defence: the psychiatric viewpoint. *G. H. Stevenson*. *Can. Bar Rev.* Aug.-Sept., 1947.

———. Canada, too, has a dollar crisis. *Correspondence*. *Am. Affairs*. Autumn, 1947.

———. Doctors in Saskatchewan. *Margaret Carroll*. *Can. Forum*. Sept., 1947.

———. A Canadian foreign policy. *Lewis Duncan*. *Can. Forum*. Oct., 1947.

———. Duplessis and labor. *L. J. Rogers*. *Can. Forum*. Oct., 1947.

Chile. Democratic forces of Chile in the struggle against reaction [in Russian]. *E. Shifrin*. *World Econ. & Pol.* [Russian]. July, 1947.

China. Cause and effect in China. *L. M. King*. *Contemp. Rev.* Aug., 1947.

———. Foreign insurance in China. *James M. Faulkner*. *Far Eastern Survey*. Sept. 3, 1947.

Cuba. The radio in Cuba. *Raul Gutierrez Serrano*. *Int. Jour. of Opin. & Attitude Res.* June, 1947.

Czechoslovakia. The path of democratic Czechoslovakia [in Russian]. *R. Rasumova*. *World Econ. & Pol.* [Russian]. July, 1947.

France. La crise du pouvoir à Vichy et l'abdication du Maréchal Pétain en novembre 1942. *A. Kammerer*. Les salaires et les prix; la recherche d'un minimum vital. *Maurice Delépine*. Discipline budgétaire. *Robert Jacomet*. *Rev. Pol. et Parl.* July, 1947.

———. The reestablishment of the republic in France: the De Gaulle era, 1944-45. *John E. Sawyer*. Nationalization of key industries and credit in France after the liberation. *David H. Pinkney*. France moves toward national planning. *Edgar Beigel*. *Pol. Sci. Quar.* Sept., 1947.

———. The best thing in France today. *Michael L. Hoffman*. *Harper's*. Sept., 1947.

Egypt. Egypt's dilemma. *Boris Gussman*. *Contemp. Rev.* Sept., 1947.

———. Egypt's inferiority complex. *Kermit Roosevelt*. *Harper's*. Oct., 1947.

General and Comparative. Far eastern bibliography, 1946. *G. E. Gaskill* and *E. H. Pritchard*. *Far Eastern Quar.* May, 1947.

———. Emergency powers and civil liberties. *H. McD. Clokie*. Economic analysis and agricultural policy. *K. E. Boulding*. *Can. Jour. of Econ. & Pol. Sci.* Aug., 1947.

———. Detecting collaboration in propaganda. *Bernard Berelson* and *Sebastian de Grazia*. *Pub. Opin. Quar.* Summer, 1947.

———. Untangling Europe's transport. *W. R. Gordon*. *Contemp. Rev.* Sept., 1947.

———. The rôle of the Christian-Democrats. *Albercht Montgelas*. *Contemp. Rev.* Sept., 1947.

———. The Communists didn't just happen. *William J. Butler*. *Cath. World*. Oct., 1947.

INTERNATIONAL RELATIONS

Books and Pamphlets

Arnold-Forster, Williams. The United Nations charter examined. Pp. 48. London: Labour Party. 1946.

Braunthal, Julius. The paradox of nationalism; an epilogue to the Nuremberg trials. Pp. 104. London: St. Botolph Pub. Co. 1946.

Burch, Guy I., and Pendell, Elmer. Human breeding and survival; population roads to peace or war; rev. ed. Pp. 138. N. Y.: Penguin Bks. 1947.

Hawtrey, Ralph G. Bretton Woods; for better or worse. Pp. 150. N. Y.: Longmans. 1947.

Hill, W. M. Immunities and privileges of international officials; the experience of the League of Nations. Pp. 295. Washington: Carnegie Endowment for Int. Peace. 1947.

Jessup, Philip C. The international problem of governing mankind. Pp. 72. Claremont (Cal.): Associated Colleges. 1947.

Koo, K. Wellington, Jr. Voting procedures in international political organizations. Pp. 356. N. Y.: Columbia Univ. Press. 1947.

Lauterpacht, H. Recognition in international law. [Pp. 461. N. Y.: Macmillan. 1947.

Nussbaum, Arthur. A concise history of the law of nations. Pp. 372. N. Y.: Macmillan. 1947.

Oppenheim, L. F. L. International law; a treatise; v. I, Peace; 6th ed.; ed. by H. Lauterpacht. Pp. 993. N. Y.: Longmans. 1947.

Robinson, C. A., Jr. Alexander the great; the meeting of east and west in world government and brotherhood. Pp. 252. N. Y.: Dutton. 1947.

Spaight, James M. Air power and war rights; 3rd. ed. Pp. 531. N. Y.: Longmans. 1947.

Articles

Egypt. Egypt and the Arab league. *Sidney B. Fay.* Current Hist. Aug., 1947.

Argentina. Argentina's planned economy and world trade. *Editors.* Am. Perspective. June, 1947.

Atomic Energy. How to use the atom peaceably. *Waldemar Kaempffert.* Survey Graphic. Oct., 1947.

Food. Food for all mankind. *Sir John B. Orr.* Survey Graphic. Oct., 1947.

France. Can France again be a great power? *André Geraud.* For. Affairs. Oct., 1947.

Germany. The secret Stalin-Hitler plans. *Neal Stanford.* Am. Mercury. Sept., 1947.

Great Britain. British labor government and the unions. *D. C. Williams.* Labor & Nation. Sept.-Oct., 1947.

———. Britain and the modern world. *Anthony Eden.* For. Affairs. Oct., 1947.

International Conferences. Reflections on the Moscow conference. *E. S. Mason.* Int. Organ. Sept., 1947.

International Court of Justice. The international court of justice and legal matters. *Philip C. Jessup.* Ill. Law Rev. July-Aug., 1947.

International Law. War crimes by enemy nationals administering justice in occupied territory. *A. V. Freeman.* Am. Jour. of Int. Law. July, 1947.

———. British prize law, 1944-46. *S. W. D. Rowson.* Law Quar. Rev. July, 1947.

———. The equality of states as dogma and reality: revindication of the principle of legal equality of states, 1871-1914, Part II. *Adolph Lande*. *Pol. Sci. Quar.* Sept., 1947.

International Trade and Finance. Forecasting a multilateral balance of payments. *Ragnar Frisch*. *Am. Econ. Rev.* Sept., 1947.

Labor. Labor internationals. *C-H. Millard*. *Can. Forum.* Oct., 1947.

New Zealand. New Zealand's security. *Willis Airey*. *Far Eastern Survey.* Sept. 24, 1947.

Peace Problems. Some postwar reflections. *Adlai E. Stevenson*. *Ill. Law Rev.* July-Aug., 1947.

———. Peace is still possible. *Cord Meyer, Jr.* *Atlant.* Oct., 1947.

———. The European territorial settlement. *J. C. Campbell*. *For. Affairs.* Oct., 1947.

———. Basic English and world peace. *Tom B. Haber*. *World Affairs.* Fall, 1947.

Planning. International consequences of national planning. *David Mitrany*. *Yale Rev.* Autumn, 1947.

Prisoners of War. The treatment of the P. O. W. *T. C. Skeffington-Lodge*. *Fortnightly.* Sept., 1947.

Private International Law. A new doctrine on private international law. *Martin Wolff*. *Law Quar. Rev.* July, 1947.

Refugees. The refugee; a problem for international organization. *P. M. Malin*. *Int. Organ.* Sept., 1947.

Regions. The Caribbean commission. *Editors*. *Am. Perspective.* June, 1947.

———. Inter-American organizations; the United States weapon of expansion [in Russian]. *M. Lasarev*. *World Econ. & Pol.* [Russian]. June, 1947.

———. Some new trends in dividing spheres of influence between capitalist countries. [in Russian] *E. Khmel'nitskay*. *World Econ. & Pol.* [Russian]. June, 1947.

———. The idea of Latin America. *William C. Atkinson*. *Fortnightly.* Aug., 1947.

———. Inter-Asian relations. *Iqbal Singh*. *Fortnightly.* Sept., 1947.

———. British investments in Latin America, end of 1913. *J. Fred Rippy*. *Jour. of Mod. Hist.* Sept., 1947.

———. Spitsbergen—arctic enigma. *Frank Illingworth*. *Nat. Rev.* Oct., 1947.

———. Behind diplomacy in Asia. *Robert T. Oliver*. *Freedom and Union.* Oct., 1947.

Soviet Union. Soviet military potential. *Colin Clark*. *Soundings.* Sept., 1947.

———. The Soviets' dilemma. *M. J. Bonn*. *Contemp. Rev.* Sept., 1947.

———. Can Russia take Turkey? *George Moorad*. *Am. Mercury.* Oct., 1947.

Turkey. Turkey's relations with its Arab neighbors. *Editors*. *Am. Perspective.* June, 1947.

———. The question of the Turkish straits. *R. W. Van Alstyne*. *Current Hist.* Aug., 1947.

UNESCO. The functional approach to UNESCO. *G. F. Fraser*. *Dalhousie Rev.* July, 1947.

———. UNESCO. *Julian Huxley*. *World Affairs.* Fall, 1947.

World Bill of Rights. Immediate world bill of rights. *Charles E. Merriam*. *Freedom and Union.* Oct., 1947.

World Health Organization. The new world health organization. *W. R. Sharp*. *Am. Jour. of Int. Law.* July, 1947.

World Organization. The effect of international disorganization on the structure of the state. *B. H. Williams*. *Economic policies and international disorganization.* *Seymour E. Harris*. *Soc. Sci.* July, 1947.

- . Immunity of officers and employees of the United Nations for official acts: the Ranallo case. *Lawrence Preuss*. Am. Jour. of Int. Law. July, 1947.
- . The parliament of man. *S. G. Putt*. Liberal Mag. Aug., 1947.
- . World government: by conquest or accord? *W. T. Holliday*. Freedom & Union. Aug.-Sept., 1947.
- . The United Nations general assembly *Editors*. Int. Conciliation. Sept., 1947.
- . The specialized agencies and the United Nations; progress report I. *Walter R. Sharp*. Int. Organ. Sept., 1947.
- . UN and the waters of the world. *Emily Greene Balch*. The permanent headquarters of the UN. *H. E. Pomeroy*. Survey Graphic. Oct., 1947.
- . Trieste—the United Nations' first experiment in government. *John V. Lovitt*. Pa. Bar Assoc. Quar. Oct., 1947.
- . The United Nations at work. *T. J. Hamilton*. Yale Rev. Autumn. 1947.
- World War II. Unconditional surrender. *Raymond Swing*. Atlan. Sept., 1947.
- . On depression and war: nazi phase. *Arthur Schweitzer*. Pol. Sci. Quar. Sept., 1947.
- . Turning points in the war: the great military decisions. *J. J. McCloy*. Political problems of a coalition. *W. L. Langer*. Our economic contribution to victory. *W. W. Riefler*. Economic lessons of two world wars. *J. H. Williams*. For. Affairs. Oct., 1947.
- Zionism. What road to zion? *John McDonald*. Fortune. Sept., 1947.

LOCAL GOVERNMENT

Books and Pamphlets

- Bemis, George W., and Basche, Nancy*. Los Angeles county as an agency of municipal government. Pp. 105. Los Angeles: Haynes Found. 1947.
- Dickinson, R. E.* City, region, and regionalism; a geographical contribution to human ecology. Pp. 327. London: K. Paul, Trench, Tuebner & Co. 1947.
- Finer, Herman*. English local government; 3rd ed. Pp. 536. London: Methuen & Co. 1946.
- Goethe, G. M.* War profits . . . and better babies [city planning]. Pp. 118. San Francisco: Keystone Press, 114 Sansome St. 1947.
- Granick, Harry*. Underneath New York. Pp. 222. N. Y.: Rinehart. 1947.
- John Howard Association, Chicago*. A study of the police lockups in the city of Chicago, 1947. Pp. 32. Chicago: Author. 1947.
- Kneier, Charles M.* City government in the United States; rev. ed. Pp. 735. N. Y.: Harper. 1947.
- Porter, A. O.* County government in Virginia; a legislative history, 1607-1904. Pp. 356. N. Y.: Columbia Univ. Press. 1947.
- Reddig, W. M.* Tom's town; Kansas City and the Pendergast legend. Pp. 394. Philadelphia: Lippincott. 1947.

Articles

- Advisory Services.** Advisory services help cities solve problems. *C. E. Ridley*. Pub. Management. Sept., 1947.
- Airports.** How to determine landing area charges. *L. L. Bollinger*. Pub. Management. Sept., 1947.
- Cemeteries.** More cities operate municipal cemeteries. *Editors*. Minn. Municipalities. Aug., 1947.

City Manager Government. Manager government in 58 California cities. *Richard Graves*. *Western City*. June, 1947.

———. City management. *G. M. March*. *Kan. Govt. Jour.* Oct., 1947.

———. "Franklin town government." *Edward N. Wilkinson*. *Va. Mun. Rev.* Sept., 1947.

City Planning. Critique: "American vs. German city planning." *Bryn J. Howde*. *Jour. of Land and Pub. Util. Econ.* Aug., 1947.

———. A psychoanalyst looks at town planning. *Edward Glover*. *Mun. Rev. of Can.* Sept., 1947.

Finance. Supreme court upholds power of tax levy beyond charter limits. *Editors*. *Mich. Mun. Rev.* July, 1947.

———. A comparison of municipal debts. *F. L. Bird*. *Am. City*. Sept., 1947.

———. Are cities headed for trouble? *Junius B. Wood*. *Nation's Bus.* Oct., 1947.

Health. The Wisconsin hospital survey and construction act. *V. F. Otis*. *The Municipality*. Aug., 1947.

———. The city and milk pasteurization. *James A. Tobey*. *Am. City*. Sept., 1947.

———. The evaluation of local health work. *R. P. Kandle*. *Am. Jour. of Pub. Health*. Sept., 1947.

———. Report cards for restaurants. *Alberta Williams*. *Survey Graphic*. Oct., 1947.

———. The people win for public health in Colorado. *Florence R. Sabin*. *Am. Jour. of Pub. Health*. Oct., 1947.

Housing. Rural housing. *Robert T. McMillan*. *Rural Sociol.* Sept., 1947.

Information. Publicizing the people's business. *A. E. Bryson*. *Ill. Mun. Rev.* July, 1947.

Judicial Decisions. New court decisions affecting cities and villages. *R. J. Cunningham*. *The Municipality*. Aug., 1947.

Juvenile Problems. Follow-up plan reduces delinquencies. *Dean Seeger*. *Western City*. Sept., 1947.

Parking Meters. The legality of parking meter ordinances and permissible use of parking meter funds. *Marion A. Grimes*. *Cal. Law Rev.* June, 1947.

Port Authorities. The port of New York authority. *A. J. Tobin*. Alabama state docks. *H. W. Sweet*. Georgia's port development plans. *L. V. Howard*. State ownership and the port of New Orleans. *J. B. Ferran*. The port of Lake Charles. *L. I. Bourgeois*. History of the South Jersey port district. *H. W. Peterson*. The Maine port authority. *R. M. Hallet*. South Carolina state port authority. *T. J. Tobias*. The state port authority of Virginia. *H. A. Keits*. *State Govt.* Sept., 1947.

Recreation. Parks and recreation in smaller communities. *J. C. Dretzka*. *The Municipality*. June, 1947.

Sewage. Sewage treatment in the far west. *L. B. Reynolds*. *Western City*. July, 1947.

Social Welfare. A special study of county social welfare in Kansas. *Editors*. *Kan. Govt. Jour.* Oct., 1947.

Traffic. Traffic control progress in the west. *R. T. Dorsey*. *Western City*. Sept., 1947.

Water. Water and the west. *W. W. Hurlbut*. *Western City*. July, 1947.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Abbott, L. D., ed. *Masterworks of government; digests of thirteen great classics*. Pp. 763. Garden City (N. Y.): Doubleday. 1947.

- Blaich, T. P. and Baumgartner, J. C.* The challenge of democracy; rev. ed. Pp. 753. N. Y.: Harper. 1947.
- Calhoun, John C.* A disquisition on government; new ed. Pp. 119. N. Y.: Poli. Sci. Classics, Box 124, Cathedral Sta. 1947.
- Castell, Alburey, and Shaw, Mary J., eds.* Selected readings in social criticism. Pp. 83. Saint Paul: Itasca Press. 1946.
- Connell, Francis J.* Morals in politics and professions; a guide for Catholics in public life. Pp. 187. Westminster (Md.): Newman Book Shop. 1946.
- Corry, James A.* Elements of democratic government. Pp. 515. N. Y.: Oxford. 1947.
- Demant, Vigo Auguste.* Theology of society; more essays in Christian polity. Pp. 268. London: Faber & Faber. 1947.
- Dobb, M. H.* Studies in the development of capitalism. Pp. 405. N. Y.: Int. Pubrs. 1947.
- Dobbs, Catherine R.* Freedom's will; the Society of the Separatists of Zoart. Pp. 104. N. Y.: William-Frederick Press. 1947.
- Dodge, Guy H.* The political theory of the Huguenots of the dispersion, with special reference to the thought and influence of Pierre Jurieu. Pp. 296. N. Y.: Columbia Univ. Press. 1947.
- Fletcher, J. F., ed.* Christianity and property. Pp. 221. Philadelphia: Westminster Press. 1947.
- Footman, David J.* Ferdinand Lassalle; romantic revolutionary. Pp. 271. New Haven (Conn.): Yale Univ. Press. 1947.
- Glover, Edward.* War, sadism, and pacifism; further essays on group psychology and war. Pp. 292. London: G. Allen & Unwin. 1947.
- Gotshalk, D. W.* Art and the social order. Pp. 268. Chicago: Univ. of Chicago Press. 1947.
- Harris, Seymour E., ed.* The new economics: Keynes' influence on theory and public policy. Pp. 686. N. Y.: A. A. Knopf. 1947.
- Heckscher, August.* A pattern of politics. Pp. 254. N. Y.: Reynal & Hitchcock. 1947.
- Landauer, Carl.* Theory of national economic planning; rev. ed. Pp. 282. Berkeley: Univ. of Cal. Press. 1947.
- Lenin, Vladimir I.* Imperialism, the highest stage of capitalism (a popular outline). Pp. 154. Moscow: Foreign Languages Pub. House. 1947.
- Mansfield, Norman.* Failure on the left; a plea for a new liberalism. Pp. 192. N. Y.: Staples Press. 1947.
- Mayo, Elton.* The political problem of industrial civilization; two lectures. Pp. 26. Boston: Harvard Univ., Grad. School of Bus. Admin., 1947.
- Mises, Ludwig von.* Planned chaos. Pp. 90. Irvington-on-Hudson (N. Y.): Found. for Econ. Education. 1947.
- Nickerson, Hoffman.* The new slavery [statism]. Pp. 282. Garden City (N. Y.): Doubleday. 1947.
- O'Sullivan, Richard.* Christian philosophy in the common law. Pp. 61. Westminster (Md.): Newman Book Shop. 1947.
- Robinson, Mrs. Joan M.* An essay on Marxian economics, 2nd ed. Pp. 112. N. Y.: Macmillan. 1947.
- Russell, Bertrand.* Philosophy and politics. Pp. 29. N. Y.: Macmillan. 1947.
- Rutledge, Wiley.* A declaration of legal faith. Pp. 82. Lawrence: Univ. of Kan. Press. 1947.
- Savage, D. S.* Mysticism and Aldous Huxley. No. p. Yonkers (N. Y.): Alicat Book Shop. 1947.

Weber, Max. The theory of social and economic organization, trans. Pp. 436. N. Y.: Oxford Univ. Press. 1947.

Weldon, Thomas D. States and morals; a study in political conflicts. Pp. 312. N. Y.: Whittlesey House, McGraw-Hill. 1947.

Wynne, John P. Philosophies of education. Pp. 441. N. Y. Prentice-Hall. 1947.

Articles

Aggression. Aggression; a study of values and law. *Malcolm Sharp*. *Ethica*. July, 1947.

Atomic Age. Is atomic-fission control a problem in organizational technique? *Joseph Meyer*. *Ethica*. July, 1947.

———. Survival of the fittest in the atomic age. *Rushton Coulborn*. *Ethica*. July, 1947.

Karl Barth. The theology of Karl Barth. *E. L. Allen*. *Contemp. Rev.* Aug., 1947. Civilization. Toynbee and the decline of western civilization. *T. A. Sumberg*. *Soc. Research*. Sept., 1947.

———. The present point in history. *Arnold J. Toynbee*. *For. Affairs*. Oct., 1947.

———. The crisis in our civilization. *Harold Laski*. *For. Affairs*. Oct., 1947.

Democracy. The moral foundations of democracy. *J. Middleton Murry*. *Fortnightly*. Sept., 1947.

———. Notes on the state of the democratic idea. *Henry David*. *Labor & Nation*. Sept.-Oct., 1947.

Economic Theory. Should general theory of value be abandoned? *James W. Smith*. *Ethica*. July, 1947.

———. The significance of the general theory of employment, interest, and money. *G. A. Elliott*. *Can. Jour. of Econ. & Pol. Sci.* Aug., 1947.

———. Comments on Keynesian economics. *Lyle C. Fitch*. *Pol. Sci. Quar.* Sept., 1947.

———. Crisis according to plan. *John Jewkes*. *Fortune*. Sept., 1947.

Ethical Theory. Social, legal, and ethical responsibility. *Paul Weiss*. *Ethica*. July, 1947.

———. Indubitables in ethics: a cartesian meditation. *Herbert Spiegelberg*. *Ethica*. Oct., 1947.

Freedom. Psychological laws and human freedom. *Rudolf Ekstein*. *Jour. of Soc. Psych.* May, 1947.

Herder. The heritage of Johann Gottfried Herder. *A. Gillies*. *Univ. of Toronto Quar.* July, 1947.

Samuel Johnson. Dr. Johnson and the law. *Arnold D. McNair*. *Law Quar. Rev.* July, 1947.

Leadership. The language of leadership. *Mass-Observation*. *Int. Jour. of Opin. & Attitude Res.* June, 1947.

Liberalism. What liberalism means to me. *Dorothy Thompson*. *Am. Mercury*. Sept., 1947.

———. Modern liberalism: an invitation to suicide. *John H. Hallowell*. *So. Atlan. Quar.* Oct., 1947.

Mannheim. Karl Mannheim, 1893-1947. *Albert Salomon*. *Soc. Research*. Sept., 1947.

Proudhon. Proudhon and the theory of modern liberalism. *F. M. Watkins*. *Can. Jour. of Econ. & Pol. Sci.* Aug., 1947.

Recent Developments. Recent developments in social thinking: Shifting cornerstones. *A. R. Burns*. America's economic choice. *George Soule*. Can capitalism be salvaged? *S. E. Harris*. *Survey Graphic*. Oct., 1947.

Religion. The interaction of religion and philosophy. *J. K. McCreary*. Univ. of Toronto Quar. July, 1947.

———. Rationalists and religion in the eighteenth century. *Shelby T. McCloy*. So. Atlan. Quar. Oct., 1947.

———. Churches and civilizations. *Arnold Toynbee*. Yale Rev. Autumn, 1947.

Sartre. A philosophy of perplexity and indifference (Jean-Paul Sartre and contemporary bourgeois individualism). *Y. Frid*. Am. Rev. on Sov. Union. Oct., 1947.

Sociology. Sociology versus dialectical immaterialism. *George A. Lundberg*. Am. Jour. of Sociol. Sept., 1947.

Treason. The meaning of treason. *Rebecca West*. Harper's. Oct., 1947.

MISCELLANEOUS

Books and Pamphlets

Fowler, Bertram. The coöperative challenge. Pp. 285. Boston: Little, Brown, 1947.

Grayzel, Solomon. A history of the Jews from the Babylonian exile to the end of world war II. Pp. 860. Philadelphia: Jewish Pub. Soc. 1947.

Isaac, Julius. Economics of migrations. Pp. 297. N. Y.: Oxford. 1947.

Krout, John A., ed. Free enterprise—national and international. Pp. 108. (Proc., Acad. Pol. Sci., Apr., 1947). N. Y.: Acad. Pol. Sci.

Mander, L. A. Foundations of modern world society; rev. ed. Pp. 941. Stanford (Cal.): Stanford Univ. Press. 1947.

Rood, John R. A political science primer. Pp. 258. Detroit: Detroit Lawbook Co. 1947.

Walsh, W. F. Commentaries on the law of real property; vs. 1-3. Pp. 2077. Albany (N. Y.): M. Bender. 1947.

White, W. W. White's political dictionary. Pp. 378. Cleveland: World Pub. Co. 1947.

Articles

Canon Law. The promoter of justice and his duty to impugn the validity of a marriage. *B. F. Fair*. The Jurist. Oct., 1947.

Public Opinion Polls. Is Dr. Kornhauser fair to organized pollers? *Symposium*. Some principles of field administration in large-scale surveys *G. H. H. Huey*. Pub. Opin. Quar. Summer, 1947.

———. Interviewer differences in an intensive interview survey. *Sam Shapiro* and *J. C. Eberhart*. World surveys—the Japanese angle. *H. H. Hyman*. Problems of international opinion surveys. *László Radányi*. Int. Jour. of Opin. & Attitude Res. June, 1947.

Punishment. Psychological aspects of punishment. *R. W. Pickford*. Ethics. Oct., 1947.

Science and Society. The rôle of science in government. *Felix S. Cohen*. Soc. Sci. July, 1947.

———. Scientists and social responsibility. *P. W. Bridgman*. The rôle of science in government. *Felix Cohen*. Scientific Mo. Aug., 1947.

———. Freedom of science in America. *James R. Newman* and *Byron S. Miller*. Atlan. Sept., 1947.

Scientific Method. The scientific method for determining the correct ends of social action. *F. S. Northrup*. Soc. Sci. July, 1947.

———. Observations on the ivory tower. *Felix Kaufmann*. Soc. Research. Sept., 1947.

———. A psychiatrist looks at the social sciences. *Ben Karpman*. *Am. Jour. of Sociol.* Sept., 1947.

Sociology of Knowledge. The problem of truth in the sociology of knowledge. *Arthur Child*. *Ethics*. Oct., 1947.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Budget Bureau

Federal historical reports: Summary of publications, manuscripts, and plans. Washington: Govt. Ptg. Off., 1947. 50p.

Commerce Department

Business economics office. National income and product statistics of United States, 1929-46; prepared by National Income Division. Washington: Govt. Ptg. Off., 1947. 54p. 25c.

Census bureau. City finances: 1944. City property taxes in wartime. Washington, 1947. 8p. (processed)

———. City finances: 1945. Washington: Govt. Ptg. Off., 1947. 258p. (processed)

———. County boards and commissions. Washington: Govt. Ptg. Off., 1947. 91p. (processed) (Governmental organization, no. 2.)

———. County finances: 1944. Compendium. Washington: Govt. Ptg. Off., 1947. 163p. (processed)

———. Current population reports: Estimated population of the United States, by regions, divisions, and states: July 1, 1946. Washington, 1947. 6p. (processed)

———. Population: characteristics of metropolitan districts: April, 1947, Summary reports. Washington, 1947. 12p. (processed)

———. Population: differential fertility, 1940 and 1910 . . . Washington: Govt. Ptg. Off., 1947. 338p. \$1.25.

———. State finances: 1945. Volume 3: Statistical compendium. Washington: Govt. Ptg. Off., 1947. 65p. (processed)

———. State finances: 1946. (Individual processed reports for all 48 states have now been issued. A compiled volume will be issued later.)

Congress

House of representatives. Banking and currency committee. Government credit, hearings, 80th Cong., 1st sess., on creation and control of credit by federal government. Washington: Govt. Ptg. Off., 1947. 3pts. 382p. 80c.

———. *Education and labor committee*. Federal aid to education, hearings, 80th Cong., 1st sess., on [various bills] Washington: Govt. Ptg. Off., 1947. v.1, 774. \$1.75.

———. *Foreign affairs committee*. Institute of Inter-American affairs, hearings . . . State department organization and personnel, 80th Cong., 1st sess., on H. R. 4168. Washington: Govt. Ptg. Off., 1947. 97p.

———. United States membership in world health organization, hearings . . . 80th

Cong., 1st sess., on H. J. Res 161 . . . Washington: Govt. Ptg. Off., 1947. 124p. 25c.

House administration committees. Anti-poll-tax legislation, hearings . . . 80th Cong., 1st sess., on [various bills]. Washington: Govt. Ptg. Off., 1947. 225p. 40c.

——— *Post Office and civil service committees.* Federal employees' loyalty act, hearings, 80th Cong., 1st sess., on H. R. 3588. Washington: Govt. Ptg. Off., 1947. 118p. 25c.

Senate. Civil service committees. Officers and employees of federal government, hearings, 80th Cong., 1st sess., on S. Res. 41 . . . Washington: Govt. Ptg. Off., 1947. pt. 6, 927-1094p. 80c.

——— *Labor and welfare committees.* Federal aid to education, hearings . . . 80th Cong., 1st sess., on [various bills] . . . Washington: Govt. Ptg. Off., 1947. 600p. \$1.25.

——— The President's reorganization plan no. 2 of 1947, hearings before subcommittee on labor, 80th Cong., 1st sess. . . . Washington: Govt. Ptg. Off., 1947. 118p. 25c.

Interior Department

Indian affairs office. Ten years of tribal government, by Theodore H. Hass. Indian Service, 1947. 45p. (Tribal relations pamphlet 1.)

Labor Department

Labor standards division. International association of governmental labor officials. Labor laws and their enforcement, 1946, proceedings of the 29th convention . . . Washington: Govt. Ptg. Off., 1947. 194p. (Bulletin 88.) 40c.

Library of Congress

Guide to the law and legal literature of Ecuador; by Helen L. Clagett. Washington. Govt. Ptg. Off., 1947. 100p. 40c.

Guide to the law and legal literature of Peru; by Helen L. Clagett. Washington: Govt. Ptg. Off., 1947. 188p. \$1.00.

Guide to the official publications of the other American republics. (6, Costa Rica; 8, Dominican Republic; 10, El Salvador; 12, Haiti; and 15, Panama.)

Guide to United States government motion pictures. Washington: Govt. Ptg. Off., 1947. 104p. 40c.

Non-self-governing areas, with special emphasis on mandates and trusteeships: a selected list of references. Washington, 1947. 2v. 467p. (mim.)

Select list of unlocated research books, no. 11. Washington, 1947. 68p. (mim.)

Legislative reference service. Argentina. United States policy toward Argentina; a survey of past and present policy. Washington, 1947. 58p. (Public affairs bulletin 49.)

——— Major government lending agencies. Washington, 1947. 224p. (processed).

——— Fascism in action: a documented study and analysis of fascism in Europe. E. S. Griffith. Washington: G. P. O., 1947. 206p. (80th Cong., 1st sess., H. doc. 401.) 40c.

——— Palestine problems, analysis historical and contemporary. Washington, 1947. 188p. (Public affairs bulletin 50.) (processed)

——— Trends in Russian foreign policy since World War I; a chronology of events from March 15, 1917, to January 1, 1947. Washington: Govt. Ptg. Off., 1947. (80th Cong., 1st sess. Committee print.)

National Office of Vital Statistics

Summary of international vital statistics, 1937-44 [with bibliographies]. Washington: Govt. Ptg. Off., 1947. 299p. \$1.25.

Vital statistics rates in United States, 1900-40 . . . by Forrest E. Linde Robert D. Grove. Washington: Govt. Ptg. Off., 1947. 1051p. \$2.50.

Selective Service System

Special monograph: Backgrounds of selective service: military obligation American tradition, compilation of enactments of compulsion from earliest enactments of Original 13 Colonies in 1607 through Articles of Confederation Comp. by Arthur Vollmer. Monograph 1, v. 2, parts 2-13. Washington: Ptg. Off., 1947. [Part 1 already listed. Parts vary in size up to 270 pages. Part 2 Connecticut enactments; 3, Delaware; 4, Georgia; 13 South Carolina, etc.]

State Department

The following in the numbered series of state department publications appeared; all from the Government Printing Office, 1947.

2738. World health organization: establishment of an interim commissioner 52p. 15c.

2750. Problems of United States foreign economic policy; by Willard T. 27p. 10c.

2783. Occupation of Germany: policy and progress. 241p. 75c.

2804. International refugee organization, Preparatory commission: Agreement between the United States of America and other Powers . . . 39p. 15c.

2808. International court of justice: recognition by the United States of American compulsory jurisdiction . . . 4p. 5c.

2812. The United States and non-self-governing territories. 106p. 30c.

2816. International civil aviation: convention . . . 39p. 15c.

2817. Participation of the United States government in international conferences. 292p. 75c.

2854. Twenty-eighth (maritime) session, International labor conference, Seattle, Washington, June 6 to June 29, 1936. Report of United States delegate. 62p.

2874. Publications of the department of state, January 1, 1945, July 1, 1946. 42p. Free.

2877. One year of the Philippine Republic. 12p. 10c. (Reprinted from Bulletin of June 29, 1947.)

2888. Activities of the Far Eastern Commission. Report by the secretary-general. 109p. 30c.

2889. Cartels and combines in the occupied areas: American policy concerning German monopolies and dissolution of Japan's feudal combines. 13p. 10c.

2890. Aid to Greece: Agreement between the United States of America and Greece . . . 36p. 10c.

2899. The displaced-persons problem; a collection of recent official statements. 28p. 15c.

2904. The UNESCO and you: a six-point program . . . 42p. 15c.

2909. The United Nations and the problem of Greece. 97p. 45c.

2912. The development of the foreign reconstruction policy of the United States, March-July, 1947. 16p. 10c.

2913. Directive regarding the military government of Germany, July 11, 1947. 23p.

2927. Draft charter for the international trade organization of the United Nations . . . 87p. 30c.

2928. A program for a more effective United Nations. Address by secretary of state. 13p.

2930. Committee of European economic cooperation. Volume 1: General report 138p. 30c.

2933. Korea's independence. 60p. 15c.

2934. Faith and fidelity: American pledge to the United Nations. Address by the secretary of state. 14p.

2939. The Greek aid program. 25p. 10c.

War Department

German morale. United States strategic bombing survey: effects of strategic bombing on German morale, volume 1 . . . Washington: Govt. Ptg. Off., 1947. 136p. 50c.

STATE AND TERRITORIAL

ALABAMA

Legislature, Revenue survey committee. The Alabama revenue system; report of the revenue survey committee. Montgomery, 1947. 120p.

CALIFORNIA

Legislature, Joint fact-finding committee on un-American activities. [Third] report . . . Sacramento, 1947. 403 p.

University of California, Berkeley, Bureau of public administration. Administrative reorganization in the states since 1939, by John C. Bollens, Berkeley, 1947. 49p. (1947 legislative problems, no. 6.)

———. Industrial disputes; selected aspects [mime.]. Berkeley, 1947. 24p. (1947 legislative problems, no. 7.)

———. Rent control, by Margaret Rohrer and D. M. Frame. Berkeley, 1947. 47p. (mime.) (1947 legislative problems, no. 3.) \$1.00.

———. State organization for tax and revenue administration. Berkeley, 1947. 25 p. (mime.) (1947 legislative problems, no. 5.)

———. *Giannini foundation.* State-federal and interstate relations in conservation policy, by S. v. Ciriacy-Wantrup, Berkeley, 1947. 5p. (Giannini foundation paper no. 117.) (Reprinted from *State Government*, v. 29, no. 4.)

Los Angeles. Bureau of budget and efficiency. Organization, administration, and management of administrative services: pt. 3, Printing and duplicating service. Los Angeles, City Hall, 1947. 40p. (mime.)

MARYLAND

Historical society, Baltimore. Archives of Maryland, LXII. Proceedings and acts of the General Assembly of Maryland, 1769-1770. Raphael Semmes, ed. Baltimore, 1945. 502p.

State employees' standard salary board. Alphabetical list of classified and unclassified positions and rules of the standard salary board. Annapolis, 1947. v.p.

MICHIGAN

University of Michigan, Ann Arbor. The United States in the postwar world; addresses given at the 1945 summer conference of the University of Michigan; ed. by William B. Wilcox and Robert B. Hall. Ann Arbor, Univ. of Michigan Press, 1947. 302p.

MISSISSIPPI

University of Mississippi, University. Bureau of public administration. Mississippi's wealth; a study of the public administration of natural resources, by Robert Baker Highsaw. University, 1947. 190p. (State administration series, no. 2.)

NEW YORK

Temporary state commission on coordination of state activities. Interim report. Albany, 1947. 77p. (Legislative document no. 54.)

PENNSYLVANIA

Joint state government commission. Report on uniform practice and procedure before departments, boards, and commissions of the Commonwealth. . . Harrisburg, 1943. 23p. (mimeo.)
 ———. State-local highway financing. A report . . . Harrisburg, 1947. 8, 242p.

VIRGINIA

Executive department. Division of statutory research and drafting. Notes on draftsmanship of bills in Virginia, by Cassius M. Chichester. Richmond, 1947. 14p.

WISCONSIN

Legislature, Joint interim committee to study county government. Report . . . Madison, 1947. 22p.

FOREIGN AND INTERNATIONAL

CHILE

Ministerio de relaciones exteriores. Política internacional de Chile; exposición del Señor ministro de relaciones exteriores, don Raúl Juliá Gómez . . . Santiago, Imp. Imperio, 1947. 31p.

ECUADOR

Universidad de Guayaquil. Principios normativos del derecho internacional público, por Teodoro Alvarado Garaicoa. Guayaquil, Imp. de la Universidad, 1946. 353p.

FINLAND

Ministry for social affairs. Social legislation and work in Finland. Helsinki, 1946. 171p.

GREAT BRITAIN

Italian archives during the war and at its close. Hilary Jenkinson, comp. London: H.M.S.O., 1947. 55p.

British information services. Reference division. The Anglo-Egyptian Sudan. 1947. 28p.

Colonial office. Closer association of the British West Indian colonies. London: H.M.S.O., 1947. 44p. /9.

———. Colonial empire, 1939-1947. London: H.M.S.O., 1947. 124p. 2/3.

Foreign office. Report of British parliamentary delegation to Greece, Aug. 5, 1947. London: H. M. S. O., 1947. 22p. /6.

House of commons. Parliamentary constituencies and local-government areas (Scotland): return showing the total number of electors on the register now in

force in each parliamentary constituency and in each local-government area in Scotland. London: H. M. S. O., 1947. 11p. /3.

Ministry of town and country planning. Greater London plan: memorandum on report of the advisory committee. London: H. M. S. O., 1947. 19p. 1/6.

HUNGARY

Ministry for foreign affairs. Hungary and the Conference of Paris:

Vol. II. Hungary's international relations before the conference of Paris. Budapest, University Press, 1947. 172p.

Vol. IV. Hungary at the conference of Paris. Papers and documents . . . Budapest, University Press, 1947. 202p.

PALESTINE

A survey of Palestine. Prepared in December, 1945, and January, 1946, for the information of the Anglo-American committee of inquiry . . . Jerusalem, Govt. Printer, 1946. 2v.

POLAND

Polish embassy, London. Poland and the German problem: documents presented to the conference of the deputies of the council of foreign ministers. London, 1947. 28p. /3.

SPAIN

Consejo superior de investigaciones científicas. Relaciones diplomáticas entre España y los Estados Unidos, según los documentos del Archivo Histórico Nacional. Miguel Gómez de Campillo, comp. Madrid, 1944-46. 2v.

URUGUAY

Ministerio de relaciones exteriores. Estado de guerra del Uruguay con Alemania y Japón. Adhesión a la declaración de las Naciones Unidas. Ley de Febrero 22 de 1915. Montevideo, 1945. 58p.

LEAGUE OF NATIONS

Board of liquidation. Final report. Geneva, 1947. 84p. tables.

PAN AMERICAN UNION

General report on status of work provided for in resolutions on codification of international law and improvement and coördination of inter-American peace treaties approved by 8th international conference of American states, Washington, D. C., Feb. 1944. Washington, 1947. 37 leaves. [processed]

UNITED NATIONS

Atomic energy commission. Second report . . . to the security council. Lake Success, N. Y. 1947. 105p. (mime.)

Economic and social council. Report of the drafting committee of the preparatory committee of the United Nations conference on trade and employment. (20 January to 25 February 1947.) Lake Success, N. Y., 1947. 82p.

———. World statistical congress: Development of international demographic statistics. By Forrest E. Liddle . . . Lake Success, N. Y., 1947. 10p. (mime.)

———. Financial needs and resources of the devastated countries of the United Nations in the immediate future . . . Lake Success, N. Y., 1947. 89p. (mime.)

- . Report of the social commission. Lake Success, N.Y., 1947. 32p. (mim.)
- . List of non-governmental organizations granted consultative status by the economic and social council. Lake Success, N.Y., 1947. 12p. (mim.)
- General assembly*. Official records of the second session. Supplement no. 1: Annual report of the secretary-general on the work of the organization. Lake Success, N.Y., 1947. 83p.
- . Official records of the first special session. Vol. I. Plenary meetings of the general assembly. Verbatim record. 28 April-15 May 1947. Lake Success, N.Y., 1947. 203p. \$2.00.
- . Official records of the second part of the first session. . . . Summary record of meetings, 22 October-13 December 1946. Lake Success, N.Y., 1947. 17p. 50c.
- . Budgetary and financial relationships of the United Nations and specialized agencies and related matters. . . . Lake Success, N.Y., 1947. 36p. (mim.)
- . Non-self-governing territories. Summaries of information transmitted to the secretary-general during 1946. Lake Success, N.Y., 1947. 152p.
- . Report . . . on the permanent headquarters of the United Nations. Lake Success, N.Y., 1947. 90p. drawings, charts, tables. (Official records, second session, supplement no. 8.)
- . *Special committee on Palestine*. Report to the general assembly. Lake Success, N.Y., 1947. 3v. (Report, annexes, appendix, maps, oral evidence presented at public meetings.) (Official records of the second session of the general assembly, supplement no. 11.)
- Department of public information*. Guide for lecturers and teachers. Lake Success, N.Y., 1947. 165p. (loose-leaf)
- . Guide to the United Nations charter. Lake Success, N.Y., 1947. 53p. illus. tables.
- Preparatory committee of the United Nations conference on trade and employment*. Report of the second session. Lake Success, N.Y., 1947. 87p.
- Security council*, Official records, second year:
- No. 29. Corfu Channel incident. 1947. 15c.
- No. 30. Draft trusteeships for Japanese mandated islands. 1947. 30c.
- Special supplement 3. Report of committee on admission of new members. 1947. 50c.
- . Letter from the chairman of the commission of investigation concerning Greek frontier incidents . . . August 29, 1947. Lake Success, N.Y., 1947. 42p. (mim.)
- . *Commission of investigation concerning Greek frontier incidents*. Report. Lake Success, N.Y., 1947. 767p. (mim.)
- Trusteeship council*. Official records. First year: First session. Lake Success, N.Y. 1947. 157p. \$1.25.
- First opium conference*: Agreement, protocol, final act, signed at Geneva, 11 Feb. 1925, and amended by the protocol signed at Lake Success, N.Y., 11 Dec. 1946. Lake Success, N.Y., 1947. 14p. (parallel text, French and English)
- Second opium conference*. Convention, protocol, final act. Amended by the protocol signed at Lake Success, New York, 11 December 1946. Lake Success, N.Y., 1947. 36p. (parallel text, French and English)
- Conference on the suppression of opium-smoking convened under Article XII of the Geneva opium agreement: agreement and final act . . . Lake Success N. Y., 1947. 15p. (parallel text, French and English)

INDEX TO VOLUME XLI

COMPILED BY MARY TRACKETT REYNOLDS

Connecticut College

- Abbott, Charles Cortes. Books of,
reviewed..... 248
- Abelardo, Pedro E. Books noticed..... 1247
- Accioly, Hildebrando. Books no-
ticed..... 600
- Adams, Louis. Books of, reviewed..... 509
- Adler, Cyrus. Books noticed..... 379
- ADMINISTRATIVE LAW. Book notices 357
- ADMINISTRATIVE THEORY. Leiserson,
Avery, Political Limitations on
Executive Reorganization.... 68
Book reviews on: Simon, Herbert
A., *Administrative Behavior*..... 1215
- Aldrich, H. F. Books noticed..... 158
Book notices..... 161
- Allen, Ethan P. The Teacher of
Government..... 527
Book notices..... 167
- Allen, James S. Books of, reviewed..... 142
- AMERICAN POLITICAL SCIENCE ASSO-
CIATION. Forty-second annual
meeting..... 101
News and Notes.....
..... 34, 321, 535, 744, 990, 1194
Presidential address..... 1
- Anderson, William. Book notices..... 367
Book reviews..... 774
Books of, reviewed..... 561
- Angel, Arthur D. Book notices..... 774, 1047
- ARABIA. Book notices..... 373
Book reviews on: Speiser, El-
raim A., *The U. S. and the
Near East*..... 552
- ARGENTINA. Book reviews on:
Linares-Quintana, S. V., *Gobi-
erno y Administración de la
República Argentina*..... 1228
- Arnham, Francis R. Book notices..... 322
Book reviews..... 790
- AUSTRALIA. Book reviews on: Levi,
Werner, *American-Australian
Relations*..... 1237
- AVIATION. Book reviews on: Og-
burn, W. F., *The Social Effects
of Aviation*..... 583
- Aycarst, Morley. Book notices..... 375
- Ayres, C. E. Books of, reviewed.... 351
- Ballinger, Willis J. Books of, re-
viewed..... 358
- Barratt, Charles. Books noticed..... 1040
- Barber, Hollis W. Religious Liberty
v. The Police Power: Jeho-
vah's Witnesses..... 223
- Barber, Joseph. Books noticed..... 1046
- Barber, Willard F. Book no-
tices..... 334, 1044
- Barclay, Thomas S. Book reviews..... 1223
- Barnett, Vincent M., Jr. *The Power
To Regulate Commerce*..... 1070
- Basché, Nancy. Books noticed..... 1033
- Basler, Roy P. Book notices..... 105
- Baum, Robert D. Book reviews..... 1019
- Baykov, Alexander M. Books no-
ticed..... 601
Books of, reviewed..... 1230
- BELGIUM. Book notices..... 162
- Belloe, Hilaire. Books noticed..... 600
- Bemis, George W. Books noticed..... 1033
- Benedict, Ruth. Books of, reviewed..... 585
- Berdahl, Clarence A. Book reviews
..... 556, 1230
- Berge, Wendell. Books of, re-
viewed..... 1617
- BIBLIOGRAPHY. Chilas, James B.,
Notes on Some Recent Docu-
mentary Materials... 410, 634, 1073
- Fellman, David, Doctoral Dis-
sertations in Political Science..... 754
- Hechler, Kenneth, Opportuni-
ties in Naval Research..... 552
- Price, Miles O., Government
Publications.....
..... 185, 401, 626, 843, 1070, 1276
- Abley, M. Q. and M. H. Re-
cent Publications of Political
Interest.....
..... 169, 385, 610, 828, 1052, 1261
- Book notices..... 1031, 1034, 1260
- Binkley, Wilfred E. Book notices..... 372

Books of, reviewed.....	780	viewed.....	361
Blachly, Frederick F. Books of, re-		Carr, Robert K. Book reviews....	342
viewed.....	1011	Carter, Edward W. Book reviews...	349
Blake, Aldrich. Books of, reviewed...	787	Carter, John P. Books noticed....	595
Blanshard, Paul. Books of, re-		Casey, Ralph D. Book reviews....	1219
viewed.....	1228	Cassirer, Ernst. Books of, reviewed...	331
Boeke, J. H. Books noticed.....	598	Chambers, M. M. Books noticed..	810
Bollinger, Lynn L. Books noticed..	154	Chamberlain, Lawrence H. Book	
Bolte, Charles G. Books noticed..	160	reviews.....	343
Bone, Hugh A. Book reviews. 1013, 1226		Chamberlin, William Henry. Books	
Borg, Dorothy. Books noticed....	1250	of, reviewed.....	802
Bradley, Phillips. Book notices... 154		Chase, Eugene P. Book reviews....	1022
Bramstedt, E. K. Books noticed....	607	Chase, Stuart. Books noticed.....	159
Brecht, Arnold. Beyond Relativism		Chen, Stephen. Books noticed....	162
in Political Theory.....	470	Chiang Kai-shek. Books of, re-	
Brewster, Wallace. Book notices		viewed.....	799
.....	370, 806	Childs, Harwood L. Book reviews...	559
Briggs, John Ely. Book reviews... 1017		Childs, James B. Notes on Some	
Brogan, D. W. Books of, reviewed...	575	Recent Documentary Materi-	
Bromage, Arthur W. Public Admin-		als.....	634, 1078
istration in the Atomic Age... 947		CHINA. Book notices.....	162, 377, 1251
Book reviews.....	1001, 1012	Book reviews on: Chiang Kai-	
Brown, Everett S. The Term of		shek, <i>China's Destiny</i>	799
Office of the President.....	447	Lang, Olga, <i>The Chinese Fam-</i>	
Book notices.....	369	ily and Society.....	366
Book reviews.....	778	McNair, Harley F., <i>China</i> ...	583
Brown, Ivor. Books noticed.....	1056	Ta Chen, <i>Population in Mod-</i>	
Brower, Waldo R. Books of, re-		ern China.....	366
viewed.....	139	Christensen, Asher N. Books no-	
Brownlow, Louis. Memorial to		ticed.....	374
Harold D. Smith.....	327	Book reviews.....	566
Bryson, Lyman. Books of, reviewed		CIVIL LIBERTIES. Barber, Hollis W.,	
.....	1027	Religious Liberty v. the Police	
Burchfield, Laverne. Books no-		Power: Jehovah's Witnesses... 266	
ticed.....	1034	Book notices.....	156, 167, 609, 810
Burdette, Franklin L. Book reviews		Book reviews on: Commission on	
.....	1007	Freedom of the Press, <i>A Free</i>	
Burnham, James. Books, of re-		and Responsible Press.....	559
viewed.....	803	Konvitz, Milton R., <i>The Alien</i>	
Caldwell, Lynton K. Strengthening		and the Asiatic in American	
State Legislatures.....	281	Law.....	342
Campbell, John C. Books of, re-		Clapp, Margaret. Books noticed..	1036
viewed.....	1230	Clarenbach, Fred A. Book notices...	1245
CANADA. Book notices.....	380, 817	Cleaton, Glen U. Books noticed... 166	
CAPITALISM. See ECONOMIC CON-		Clyde, Paul H. Book reviews....	585
TROL		Cole, Kenneth C. Book notices....	826
Carlson, Oliver. Books of, reviewed...	787	Combs, William G. Book notices... 594	
Carlston, Kenneth S. Books of, re-		Coniston, Ralph. Books noticed... 1251	
viewed.....	794	CONSTITUTIONAL LAW. Barber, Hol-	
Carr, Edward H. Books, of re-		lis W., Religious Liberty v.	
		the Police Power: Jehovah's	

- Witnesses..... 226
 Barnett, V. M., Jr., *The Power to Regulate Commerce*.....1170
 Cushman, Robert E., *Constitutional Law in 1945-46*..... 248
 —, *Ten Years of the Supreme Court: A Symposium*.....1142
 Dodd, Walter F., *The U. S. Supreme Court, 1936-1946*.... 1
 Fellman, David, *Ten Years of the Supreme Court: Federalism*.....1142
 Field, O. P., *Separation and Delegation of Powers*.....1161
 Healy, Ferrel, *The Hatch Act Decisions*..... 637
 Sherwood, Foster R., *State Constitutional Law in 1946-1947*..... 700
 Book notices..... 371
 Book reviews on: Corwin, Edward S., *Total War and the Constitution*..... 775
 Konvitz, Milton R., *The Alien and the Asiatic in American Law*..... 342
 Cook, H. O. Book notices.....1243
 Cook, Thomas I. Book reviews.... 331
 Coppock, Joseph D. Books noticed.....1243
 Corwin, Edward S. Books of, reviewed..... 775
 Coulter, E. Merton. Books noticed. 811
 Crenshaw, Ollinger. Books noticed. 372
 Cresson, W. P. Books of, reviewed. 138
 Crocker, Walter Russell. Books noticed.....1050
 Crouch, Winston W. Book reviews. 787
 Book notices.....1035
 Curtis, Charles P., Jr. Books of, reviewed..... 777
 Cushman, Robert E. *Constitutional Law in 1945-1946*..... 248
 Ten Years of the Supreme Court: A Symposium.....1142
 Books noticed..... 371
 Daggett, Stuart. Books noticed... 595
 Dahl, Robert A. *Workers' Control of Industry and the British Labor Party*..... 875
 Dallin, David J. Books noticed....1035
 Daniels, Jonathan. Books noticed. 160
 Daniels, Josephus. Books noticed. 807
 Darby, Fredrye R. Books noticed. 158
 Davey, Harold W. Book reviews.. 791
 Book notices..... 368
 Davidson, Rita. Book notices ...1259
 Davis, Helen Miller. Books noticed..... 596
 David, Raymond M. Books noticed..... 602
 Dean, Vera Michales. Book reviews. 358
 Books noticed.....1042
 Deane, John R. Books noticed.... 377
 DeLancy, Frances P. Book notices.1034
 Books noticed..... 158
 DeMendelssohn, Peter. Books noticed.....1217
 Deney, John. Books noticed..... 166
 Dhawan, G. N. Books of, reviewed.1029
 DICTATORSHIP. Book notices...607, 1038
 Dillon, Conley H. Book notices...1032
 Dillon, Mary Earhart. Book reviews.....1221
 Ditzion, Sidney. Books noticed...1036
 DIPLOMACY. Book notices..... 377, 807, 819, 822
 Book reviews on: *Dokumeny Ministerstva Inostrannykh Del Germanii*..... 146
 Hankey, Maurice, *Diplomacy by Conference*.....1022
 Dodd, Walter F. *The United States Supreme Court, 1936-1946*... J
 Doob, Leonard W. *The Utilization of Social Scientists in the Overseas Branch of the Office of War Information*..... 649
 Dorr, Harold M. Book reviews.... 785
 Book notices..... 155
 Books noticed..... 604
 Dow, E. F. Book notices..... 374
 Downum, Garland. Book notices...163, 1045, 1254
 Dragnich, Alex N. Book notices... 816
 Dudley, Walter E. Books noticed.. 374
 Duggan, Joseph C. Books noticed.1032
 Durham, G. Homer. Book notices. 813
 Books noticed..... 563
 DuVal, Miles P., Jr. Books noticed. 810
 Dyer, Brainerd. Books noticed ... 373

- Eagleton, Clyde. Book reviews. . . 573
- Eastman, S. Mark. Books noticed. . . 389
- Ebenstein, William. Books of, reviewed. . . 1939
- ECONOMIC CONTROL. Dahl, Robert A., *Workers' Control of Industry and the British Labor Party*. . . 876
- Book notices. . . 355, 377, 381, 535, 608, 1037, 1243
- Book reviews on: Allen, James S., *World Monopoly and Peace*. . . 145
- Ayres, C. E., *The Divine Right of Capital*. . . 151
- Ballinger, Willie, *By Vote of the People*. . . 337
- Baykov, Alexander, *The Development of the Soviet Economic System*. . . 1232
- Berge, Wendell, *Economic Freedom for the West*. . . 1017
- Blachly, Frederick F., and Oatman, Miriam E., *Natural Gas and the Public Interest*. . . 1011
- Mandlin, Oscar, and Mary Flug, *Commonwealth. Massachusetts, 1774-1861*. . . 938
- Haasen, Alvin H., *Economic Policy and Full Employment*. . . 504
- Higgins, Benjamin, *Public Investment and Full Employment*. . . 791
- Lerner, A. P., and Graham, Frank D. (eds.), *Planning and Paying for Full Employment*. . . 504
- Lynch, David, *The Concentration of Economic Power*. . . 347
- Southard, Frank A., Jr., *The Finances of European Liberation*. . . 580
- Steeking, George W., and Watkins, Myron W., *Cartels in America*. . . 349
- Thomsen, Henry W. Books of, reviewed. . . 576
- Tinaudi, Maria. Book reviews. . . 362
- ELECTIONS. Robson, William A., *Postwar Municipal Elections in Great Britain*. . . 264
- Book notices. . . 158, 372, 1035
- Book reviews on: Ewing, Cortez A. M., *Congressional Elections*. . . 122
- McCallum, R. B., and Readman, A., *The British General Election of 1945*. . . 1227
- Robinson, Edgar E., *They Voted for Roosevelt*. . . 1918
- See also POLITICAL PARTIES
- Eliot, George Fickling. Books noticed. . . 152
- Ellis, Ellen Deborah. Book notices. . . 1235
- Elmore, Hugh L. Book reviews. . . 998
- Emch, Donald F. Book notice. . . 594
- ENGLAND. Dahl, Robert A., *Workers' Control of Industry and the British Labor Party*. . . 875
- Robson, William A., *Postwar Municipal Elections in Great Britain*. . . 264
- Book notices. . . 375, 509, 1040, 1041, 1050
- Book reviews on: Fickling, Keith, *The Life of Neville Chamberlain*. . . 572
- McCallum, R. B., and Readman, A., *The British General Election of 1945*. . . 1227
- EUROPE. Book notices. . . 377, 535, 1026, 1042
- Book reviews on: Chamberlain, William H., *The European Cockpit*. . . 1235
- Echechtman, Joseph B., *European Population Transfers, 1923-1945*. . . 145
- Southard, Frank A., Jr., *The Finances of European Liberation*. . . 580
- Evans, Trevor. Books noticed. . . 775
- Ewing, A. C. Books of, reviewed. . . 1203
- Ewing, Cortez A. M. Books of, reviewed. . . 1224
- Fainsood, Marie. Book reviews. . . 301
- Ferber, William O. Book notices. . . 371, 1260
- FAR EAST. Book notices. . . 819, 820, 1252
- See also CHINA, JAPAN
- Farmer, Hattie. Books noticed. . . 105, 592
- Faust, Martin L. Book notices. . . 1242
- Book notices. . . 246
- FEDERALISM. Kilpatrick, W. G., *Selected Aspects of Intergovernmental Fiscal Relations*. . . 452

- Book notices..... 317
- Book reviews on: Anderson, William, *Federalism and Intergovernmental Relations*..... 561
- Tripp, Myron L., *The Swiss and U. S. Federal Constitutional Systems*..... 573
- Feiling, Keith. Books of, reviewed. 572
- Feis, Herbert. Books of, reviewed. 1006
- Feldman, Herman. Books noticed. 370
- Fellman, David. Doctoral Dissertations in Political Science... 754
- Ten Years of the Supreme Court: Federalism..... 1142
- Book notices..... 810
- Book reviews..... 1212
- Books noticed..... 595
- Fenn, P. T., Jr. Book notices..... 158
- Fenton, William Nelson. Books noticed..... 1259
- Ferguson, John H. Book notices..... 156, 810
- Book reviews..... 144
- Fesler, James W. Undergraduate Training for the Public Service. 507
- Field, Oliver P. Separation and Delegation of Powers..... 1161
- Book reviews..... 1008
- Finkelstein, Louis. Books of, reviewed..... 1027
- FINLAND. Book reviews on: Kaila Toivo T., *Sotänsyylisemmä säätöalossa*..... 1024
- Fischer, Louis. Books of, reviewed. 579
- Fisher, Allan G. B. Books noticed. 599
- Flechtheim, Ossip K. Book notices. 814
- Fleming, Denna Frank. Book notices..... 1045
- Book reviews..... 134
- Fletcher, Mona. Book notices. 592, 1036
- Flynn, Edward J. Books of, reviewed..... 1226
- Fonor, Philip S. Books noticed.... 806
- Forthal, Sonya. Books of, reviewed. 788
- Foster, William Z. Books noticed.. 1042
- Fox, Harold G. Books of, reviewed. 1014
- Fox, William T. R. Book reviews.. 579
- FRANCE. Gooch, Robert K., Recent Constitution-Making in France..... 429
- Book notices..... 814, 815
- Book reviews on: Brogan, D. W., *French Personalities and Problems*..... 575
- Ehrmann, Henry W., *French Labor*..... 576
- Goguel, François, *La Politique des Partis sous la III^e République*..... 362
- Thomson, David, *Democracy in France*..... 364
- Frankfort, H. A. Books of, reviewed..... 774
- Frasuro, Carl M. Book notices... 1249
- Fried, John H. E. Relations Between the United Nations and the I.L.O..... 963
- Friedrich, Carl Joachim. Political Science in the U. S. in War-time..... 978
- Gale, Esson M. Book reviews.... 366
- Galloway, George B. Books of, reviewed..... 343, 780
- Galt, Tom. Book notices..... 1253
- Garvey, Neil F. County and Township Government in 1945.... 28
- County and Township Government in 1946..... 1130
- Gaus, John Merriman. Books of, reviewed..... 999
- Gellhorn, Walter. Books of, reviewed..... 1212
- GERMANY, Kelsen, Hans. Is a Peace Treaty with Germany Legally Possible and Politically Desirable?..... 1188
- Wells, Roger H., *The Revival of German Unions of Local Authorities after World War II*..... 1182
- Book notices..... 1275, 816, 825, 1046, 1248, 1247
- Book reviews on: *Dokumenty Ministerstva Inostrannykh Del Germanii*..... 146
- Knight-Patterson, W. M., *Germany from Defeat to Conquest* 1231
- Zink, Harold, *American Military Government in Germany*.. 1001
- Gerth, H. H. Books of, reviewed.. 150
- Gibson, Hilden. Book notices. 825, 1253

- Jobst, Valentine. Book reviews... 354
- Johnson, Claudius O. Book notices..... 159
- Book reviews..... 589, 1217
- Johnson, F. Ernest. Books noticed. 1254
- Johnson, Walter. Books of, reviewed..... 568, 1216
- Jones, J. Mervyn. Books of, reviewed..... 1026
- Jouno, Randolph J. Establishment Boards in the Federal Civil Service..... 955
- JURISPRUDENCE. Book notices..... 826
- Book reviews on: Curtis, Charles P., Jr., *Lions Under the Throne*. 777
- McCunc, Wesley, *The Nine Young Men*..... 1008
- Schnitzer, A. F., *Vergleichende Rechtslehre*..... 1211
- Kaila, Toivo T. Books of, reviewed. 1024
- Kallenbach, Joseph E. The New Presidential Succession Act... 931
- Kecton, George W. Books of, reviewed..... 354
- Kefauver, Estes. Books of, reviewed..... 1007
- Kelson, Hans. Is a Peace Treaty with Germany Legally Possible and Politically Desirable?... 1188
- Kerwin, Jerome G. Book reviews... 1019
- Kilpatrick, Wylie. Neglected Aspects of Intergovernmental Fiscal Relations..... 452
- Kirk, Grayson L. Book reviews... 1004
- Kirkpatrick, Evron M. Book notices..... 1254, 1259
- Books noticed..... 374
- Klee, Hans. Books noticed..... 164
- Knight, Frank M. Books noticed... 1254
- Knight-Patterson, W. M. Books of, reviewed..... 1231
- Kolehmainen, John I. Book reviews..... 1024
- Konvitz, Milton R. Books of, reviewed..... 342
- Kriesberg, Martin. Book notices... 1042
- LABOR. Dahl, Robert A., Workers Control of Industry and the British Labor Party..... 875
- Book notices... 154, 156, 376, 806, 814
- Book reviews on: Ehrmann, Henry W., *French Labor*..... 576
- Greenman, Russell L., and Elizabeth B., *Getting Along with Unions*..... 782
- Gregory, Charles O., *Labor and the Law*..... 338
- Metz, Harold V., and Jacobstein, Meyer, *A National Labor Policy*..... 1009
- Owen, W. V., *Labor Problems*. 143
- Price, John, *The International Labour Movement*..... 144
- Slichter, Sumner H., *The Challenge of Industrial Relations*... 782
- LaCerde, John. Books of, reviewed. 587
- Lachs, Manfred. Books noticed... 164
- LaFollette, Robert M., Jr., Systematizing Congressional Control..... 58
- La Foy, Margaret Books noticed. 1044
- Laing, Lionel R. Book reviews... 1237
- Lancaster, Lane W. Book notices... 156
- Landy, A. Books of, reviewed. 152, 1028
- Lang, Olga. Books of, reviewed... 366
- Langer, Robert. Books of, reviewed..... 796
- Langer, William L. Books of, reviewed..... 795
- Larkin, John Day. Book notices... 813
- Larsen, Christian L. Book notices. 813
- Books noticed..... 1033
- Latham, Earl. Books of, reviewed. 344
- LATIN AMERICA. Grant, J. A. C., Due Process for Ex-Dictators: A Study of Judicial Control of Legislation in Guatemala... 468
- Book notices..... 382, 1043
- Book reviews on: Blanshard, Paul, *Democracy and Empire in the Caribbean*..... 1228
- Linares-Quirana, S. V., *Gobierno y Administración de la Republica Argentina*..... 1228
- Latourette, Kenneth Scott. Book reviews..... 586
- Books of, reviewed..... 798
- Lauterpacht, H. Books noticed... 826
- Lawson, Ruth C. Book notices... 822, 1046

- Lee, Luther J. Book notices 1048
 LEGISLATIVE Brown, Everett S., *The Term of Office of the President* 147
 Caldwell, Lynter K., *Strengthening State Legislatures* 281
 Graves, W. Brooke, *Legislative Reference Service for the Congress of the United States* 289
 LaFollette, Robert M., *Systematizing Congressional Control* 68
 Ridgely, Floyd M., *The Second Session of the 79th Congress* 12
 Book notices 1155, 592, 593, 1242
 Book reviews on: Hinkley, Winifred E., *President and Congress* 780
 Chamberlain, Lawrence H., *The President, Congress, and Legislation* 132
 Ewing, Cortez A. M., *Congressional Elections, 1890-1912* 1224
 Galloway, George B., *Congress at the Crossroads* 343
 Kefauver, Estes, and Levin, Jack A. *Twentieth-Century Congress* 1007
 Lynch, David, *The Concentration of Monotonic Power* 347
 Leiserson, Avery, *Political Limitations on Executive Reorganization* 63
 Book reviews 347, 782
 Lanczowski, George, Book notices 373, 506
 Lengyel, Emil, Books of, reviewed 184
 Leonard, William N. Books noticed 368
 Lerner, Abner P. Books of, reviewed 562
 Levi, Werner, Books of, reviewed 1237
 Levin, Jack, Books of, reviewed 1037
 Lewis, Edmund G. Book reviews 1270
 Lewis, John D. Book notices 11
 Lewis, Joseph, Books noticed 65
 Lie, Trygve, Books noticed 1251
 Lubling, A. J. Books noticed 815
 Lien, Arnold J. Book notices 1031, 1038
 Book reviews 138
 Linares-Quintana, Segundo V. Books of, reviewed 1228
 Lard, Andrew W. Books noticed 37
 Lindberg, John, Books noticed 387
 Lineberger, Paul Myron Anthony, Book notices 100
 Link, Arthur S., Books of, reviewed 772
 Lipson, Leslie M., *Democracy and Socialism in New Zealand* 366
 Book notices 1086
 Liu, Tsai-ung, Books noticed 377
 LOCAL GOVERNMENT Wells, Roger H., *The Revival of German Union of Local Authorities after World War II* 1162
 C. F. Snider, *County and Township Government in 1945* 23
 Snider, C. F., and Garvey, N. E., *County and Township Government in 1946* 1130
 Book notices 1215
 Loeb, Isidor, Book reviews 775
 Loewenstein, Karl, Book reviews 1231
 Logan, Rayford, Books noticed 543
 Lohme, Joseph D. Books noticed 1245
 Lohr, Fannette H. Books noticed 158
 Lundberg, George A. Books noticed 605, 1024
 Luxon, Norval Neil, Books noticed 1210
 Lybber, Albert Hwe, Book reviews 582
 Lynch, David, Books of, reviewed 347
 McCallum, R. B. Books noticed 1015
 Books of, reviewed 1227
 McCahey, James L. Book reviews 796
 MacCana, Richard Dyer, Book notices 509
 McClellan, Grant S. Book reviews 140
 McConaughy, John B. Book notices 381
 MacCorkle, Stuart A. Book notices 1033
 McCown, D. Beatrice, Book notices 371
 Book reviews 145
 McCune, Wesley, Books of, reviewed 1003

- Macdonald, Austin F. Book reviews.....1228
- McElfresh, Robert E. Books noticed.....154
- McGeary, M. Nelson. The Governor's Veto in Pennsylvania. 941
- McGovern, William N. Book reviews.....798
- McIntire, Ross T. Books noticed... 589
- MacIver, Robert M. Books of, reviewed.....771, 1027
- MacKay, Kenneth Campbell. Books of, reviewed.....1222
- McKelvey, Raymond G. Book reviews.....588
- McKinley, Charles. Book reviews. 551
- McNair, A. D. Books noticed.... 820
- McNair, Harley Farnsworth. Book notices.....820
- Books of, reviewed.....533
- Mander, Linden A. Books noticed. 1247
- Manner, George. Book notices. 601, 823
- Mannheim, Hermann. Books of, reviewed.....790
- Manning, Clarence A. Books noticed.....816
- Mansfield, Harvey C. The Major in Political Science.....500
- Margolith, Aaron M. Books noticed.....379
- Marlio, Louis. Books noticed.....1037
- Martin, Boyd A. Books noticed...1035
- Martin, Charles E. Book reviews...569
- Martin, James W. Books noticed.. 373
- Martin, Roscoe C. Book notices... 161
- Marx, Fritz Morstein. Federal Executive Reorganization Re-examined: A Symposium.....43
- Book reviews.....564
- Mason, Alpheus T. Books of, reviewed.....129
- Mason, Charles W. Books noticed. 160
- Mason, Edward Sagendorph. Books of, reviewed.....349
- Mason, John Brown. Book notices.....162, 825
- Matthew, Robert John. Books of, reviewed.....1239
- Meisel, James H. Books noticed... 816
- Mellnat, Carl L. Books noticed...1031
- Meriam, Lewis, Books of, reviewed. 586
- Merriam, Charles E. Book reviews.....150, 1207
- METHODOLOGY. *See* RESEARCH AND METHODOLOGY
- Metz, Harold W. Books of, reviewed.....1009
- MEXICO. Book notices.....807
- Micaud, C. A. Book reviews.....364
- MIDDLE EAST. Book notices....378, 596
- See also* INTERNATIONAL RELATIONS
- MILITARY GOVERNMENT. Book reviews on: Zink, Harold, *American Military Government in Germany*.....1001
- See also* EUROPE, U. S. GOVERNMENT AND POLITICS, WAR
- Miller, Alexander. Books of, reviewed.....1028
- Millett, John D. The Use of Visual Aids in Political Science Teaching.....517
- Mills, C. Wright. Books of, reviewed.....150
- Mills, Lennox A. Book notices. 376, 1252
- Millsbaugh, Arthur C. Books of, reviewed.....140
- MINORITIES. Book notices.....371, 383, 605, 1051, 1245
- Mirkine-Guetzévitch, B. Books noticed.....1255
- Mitchell, John Hewitt. Books noticed.....814
- MONOPOLY. *See* ECONOMIC CONTROL
- Moore, Barrington, Jr. The Influence of Ideas on Policies as Shown in the Collectivization of Agriculture in Russia.....733
- Book notices.....377
- Morgenstern, George. Books of, reviewed.....1023
- Morgenthau, Hans J. Book reviews.....1209
- Books of, reviewed.....335
- Morgner, A. Book notices.....599
- Book reviews.....143
- Moseley, Philip E. Book reviews... 148
- Mossé, Robert. Books noticed.... 814
- MUNICIPAL GOVERNMENT. Book notices...373, 1033, 1037, 1244, 1245
- Book reviews on: Peterson, Elmer

- T. (ed.), *Cities are Abnormal*. 135
 Tenner, Irving, *Financial Administration of Municipal Utilities*.....1012
 Munro, Dana G. Book reviews...1228
- NATIONALISM. Book reviews on:
 Knight-Patterson, W. M., *Germany from Defeat to Conquest*.....1231
 Sturzo, Don Luigi, *Nationalism and Internationalism*....1234
- NEAR EAST. *See* MIDDLE EAST
- Nearing, Scott. Books noticed.... 381
- NETHERLANDS. Book notices... 597, 598
- Neumann, Robert G. Book notices. 164
 Book reviews..... 333
- Neumann, Sigmund. Book reviews. 1234
- NEW ZEALAND. Lipson, Leslie, *Democracy and Socialism in New Zealand*..... 306
 Book notices..... 163
- Nicolaevsky, Boris I. Books noticed.....1038
- Nixon, H. O. Book notices...373, 1246
- Noek, Albert Jay. Books noticed.. 607
- Nolting, Orin F. Books noticed...1244
- Noran, Ralph A. Book notices...
598, 1038
- Oakeshott, Michael. Books noticed.....1047
- Oatman, Miriam E. Book notices.. 603
 Book reviews.....1208
- Obermann, Karl. Books noticed.. 825
- Ogburn, William Fielding. Books
 of, reviewed..... 588
- Ogg, Frederic Austin. News and
 Notes...85, 321, 535, 744, 990, 1194
- Owen, W. V. Books of, reviewed.. 143
- Padelford, Norman J. Book reviews
1026
- PALESTINE. Book notices.....379, 380
See also ARABIA, MIDDLE EAST
- Palmer, Norman D. Book reviews.1235
- Park, Richard L. Book reviews.... 587
- Parsons, Talcott. Books noticed.1258
- Passen, Alan. Books noticed..... 154
- Patterson, Caleb Perry. Book notices..... 823
- Patterson, Ernest Minor. Books
 noticed.....1252
- Payne, Robert. Books noticed... 162
- Peardon, Thomas P. Book reviews. 572
- Peel, Roy V. Book reviews..... 788
- Pelletier, Lawrence. Book reviews. 805
- Panniman, Howard R. Book reviews.....1224
- Perkins, Frances. Books of, reviewed..... 130
- PERSIA. *See* IRAN, MIDDLE EAST
- Peterson, Elmer T. Books of, reviewed..... 135
- Petrullo, Vincenzo. Books noticed.. 800
- Pettee, George S. Book notices
607, 1247
 Books noticed..... 590
- Pfiffner, John M. Books noticed.. 161
- PHILIPPINES. Book notices.....1243
- Pigou, Z. C. Books noticed.....1041
- Pinson, Koppel S. Books noticed.. 605
- Pinto, Roger. Books noticed..... 376
- Pirsig, Maynard E. Books noticed. 367
- PLANNING. Book notices.....1247
 Book reviews on: Baykov, Alexander, *The Development of the Soviet Economic System*.....1232
 Hansen, Alvin H., *Economic Policy and Full Employment*.. 564
 Lerner, A. P., and Graham, Frank D., *Planning and Paying for Full Employment*..... 564
 Rodgers, Cleveland, *American Planning*..... 570
 Sternberg, Fritz, *The Coming Crisis*..... 805
- Plumb, Ralph G. Books noticed.. 813
- POLITICAL BIOGRAPHY. Book notices..... 159,
 373, 375, 590, 591, 807, 823, 825, 1035
 Book reviews on: Cresson, W. P.,
James Monroe..... 138
 Feiling, Keith, *The Life of Neville Chamberlain*..... 572
 Isley, J. A., *Horace Greeley and the Republican Party*.....1221
 Johnson, Walter, *Selected Letters of William Allen White*... 568
 Link, Arthur S., *Wilson: The Road to the White House*..... 778
 Lord, Russell, *The Wolfaces of*

- Randall, J. G. Books of, reviewed.. 1217
 Rankin, Robert S. Book notices... 153
 Books-noticed..... 164
 Raudenbush, David W. Books of,
 reviewed..... 557
 Rauehning, Herman. Books of, re-
 viewed..... 1207
 Ray, Joseph M. Book notices. 594, 1242
 Raymond, Fred L. Books noticed.. 608
 Readman, Alison, Books of, re-
 viewed..... 1227
 Reiff, Henry. Book notices.....
 605, 1037, 1250
 Reischauer, Edwin O. Books of, re-
 viewed..... 586
 Renborg, Bertil A. Book notices... 1252
RESEARCH AND METHODOLOGY. Al-
 len, Ethan P., *The Teacher of*
 Government..... 527
 Fesler, James W., *Undergradu-*
 ate Training for the Public
 Service..... 507
 Friedrich, Carl J., *Political Sci-*
 ence in the U. S. in Wartime... 978
 Mansfield, Harvey C., *The*
 Major in Political Science..... 500
 Millett, J. D., *The Use of Visu-*
 al Aids in Political Science
 Teaching..... 517
 Rockwell, Landon G., *Toward*
 a More Integrated Political
 Science Curriculum..... 314
 Wilcox, Francis O., *The Intro-*
 ductory Course in Government 489
 Book notices. 156, 157, 164, 1242, 1259
 Book reviews on: Anderson, Wil-
 liam, *Federalism and Inter-*
 governmental Relations: A
 Budget of Suggestions for Re-
 search..... 561
 Hall, Robert B., *Area Studies*.. 1239
 Matthew, Robert J., *Language*
 and Area Studies in the Armed
 Services..... 1239
 Reynolds, Mary T. Book reviews.. 132
 Rhyne, Charles S. Books noticed... 154
 Rice, William Gorham. Book re-
 views..... 338
 Rich, Benjamin M. *A New Con-*
 stitution for New Jersey..... 1126
 Riddick, Floyd M. *The Second Ses-*
 ion of the 79th Congress..... 12
 Ridley, Clarence E. Books noticed. 1242
 Robinson, Edgar Eugene. Books of,
 reviewed..... 1018
 Robinson, J. William. Book notices. 1248
 Book reviews..... 142, 353
 Robson, William A. *Postwar Mu-*
 nicipal Elections in Great Brit-
 ain..... 294
 Rockwell, Landon G. *Toward a*
 More Integrated Political Sci-
 ence Curriculum..... 314
 Rodee, Carlton C. Book reviews... 557
 Rodgers, Cleveland. Books of, re-
 viewed..... 570
 Ronan, William J. Book notices...
 379, 1253
 Roucek, Joseph S. Books of, re-
 viewed..... 1020
 Rowland, Donald. Book notices...
 809, 1043
RURAL GOVERNMENT. Snider, Clyde
 F., and Garvey, Nell F.,
 County and Township Govern-
 ment in 1945..... 28
 ——, *County and Township*
 Government in 1946..... 1130
 Book notices..... 161, 594, 1040
 See also LOCAL GOVERNMENT
 Russell, Bertrand. Books noticed.. 1258
 Rutherford, Geddes W. Book re-
 views..... 351
 Sabine, George H. Book reviews... 556
 Salomon, André..... 821
 Sandelius, Walter. Book notices... 1257
 Book reviews..... 1029
 Sanderlin, Walter S. Books noticed.. 813
 Schechtman, Joseph B. Books of,
 reviewed..... 145
 Schneider, Herbert W. Books of,
 reviewed..... 772
 Schnitzer, Adolf F. Books of, re-
 viewed..... 1211
 Schroth, John A. Book reviews... 777
 Schwarzenberger, George. Books of,
 reviewed..... 354
 Shalloo, J. P. Book notices..... 1245
 Shannon, Jasper Berry. Book no-
 tices..... 160
 Book reviews..... 568, 1216

- Sharp, Samuel L. Books noticed... 376
- Sherwood, Foster H. State Constitutional Law in 1946-47... 700
- The Federal Administrative Procedure Act... 271
- Short, Lloyd M. Adjusting the Departmental System... 48
- Books noticed... 157
- Short, Raymond S. Book notices... 317
- Shull, Charles W. Book notices... 160, 590, 1051
- Sibley, Marjorie H. Recent Publications of Political Interest... 169, 384, 610, 828, 1052, 1261
- Sibley, Mulford Q. Recent Publications of Political Interest... 169, 384, 610, 828, 1052, 1261
- Book notices... 168, 1258
- Sikes, Pressly S. Books noticed... 811
- Silverstein, Nathan L. Book notices... 1041
- Book reviews... 580
- Simon, Herbert A. Books of, reviewed... 1215
- Simon, Hugo Ferdinand. Book reviews... 803
- Simpson, Smith. Books noticed... 162
- Skilling, H. Gordon. Book notices... 376, 380
- Slichter, Sumner H. Books of, reviewed... 782
- Smith, Harold D. Memorial to... 327
- Smith, Willard H. Book notices... 808
- Snyder, Clyde F. County and Township Government in 1945... 28
- County and Township Government in 1946... 1130
- Books noticed... 592
- Snyder, Richard C. Book reviews... 795, 1023
- SOCIALISM. Dahl, Robert A., Workers' Control of Industry and the British Labor Party... 875
- Book notices... 303, 375, 599, 825
- SOCIAL WELFARE. Book notices... 382, 1034, 1047
- Book reviews on: Mannheim, Hermann, *Criminal Justice and Social Reconstruction*... 790
- Meriam, Lewis, *Relief and Social Security*... 586
- Stern, Bernard J., *Medical Services by Government*... 136
- SOLOGOVYCH, George. Books of, reviewed... 391
- SOUTH AMERICA. Book notices... 1044
- Southard, Frank A., Jr. Books of, reviewed... 580
- Spahr, Margaret. Book notices... 606, 1048
- Speiser, Ephraim A. Books of, reviewed... 582
- Spencer, Henry R. Book notices... 1041
- STATE GOVERNMENT. Caldwell, Lynton K., Strengthening State Legislatures... 281
- McGeary, M. Nelson, The Governor's Veto in Pennsylvania... 941
- Rich, Benjamin M., A New Constitution for New Jersey... 1126
- Sherwood, Foster H., State Constitutional Law in 1946-47... 700
- Book notices... 155, 156, 158, 592, 593, 811, 812, 1035, 1037, 1038, 1242
- Book reviews on: Grodzins, Morton, *State-Local Relations*... 785
- Handlin, Oscar, and Mary F., *Commonwealth: Massachusetts, 1776-1861*... 993
- Steiger, G. Nye. Book notices... 377, 1251
- Book reviews... 583
- Steiner, H. Arthur. Book notices... 371
- Stern, Bernard J. Books of, reviewed... 136
- Sternberg, Fritz. Books of, reviewed... 805
- Stocking, George W. Books of, reviewed... 349
- Stokes, William S. Book notices... 600
- Stoner, John E. Book notices... 592
- Stroup, Herbert. Books noticed... 167
- Sturzo, Don Luigi. Books of, reviewed... 1234
- Svend, Rannulf. Books noticed... 825
- SWITZERLAND. Book reviews on: Tripp, Myron L., *The Swiss and U. S. Federal Constitutional Systems*... 573

Ta Chen. Books of, reviewed.....	363
Tannenbaum, Frank. Books noticed.....	1951
Tansill, Charles Callan. Books noticed.....	159
TAXATION. Book notices.....	1241
Book reviews on: Vickrey, W., <i>Agenda for Progressive Taxation</i>	1016
Taylor, Myron C. Books noticed.....	818
TECHNOLOGY. Book notices.....	604, 605
Tecters, Negley K. Books noticed.....	383
Tenner, Irving. Books of, reviewed.....	1012
Thompson, Laura. Books noticed.....	1038
Thompson, Ronald. Books of, reviewed.....	358
Thomson, David. Books of, reviewed.....	364
Tripp, Myron Lehrs. Books of, reviewed.....	573
Twitchell, K. S. Books noticed.....	378

UNITED NATIONS. Fried, John H. E., <i>Relations between the U.N. and the I.L.O.</i>	963
Book notices.....	821, 1045, 1252, 1254
See also INTERNATIONAL ORGANIZATION	

UNITED STATES, FOREIGN POLICY.....	379, 602, 819, 1043, 1242, 1251
Book reviews on: Adamic, Louis, <i>Dinner at the White House</i>	569
Campbell, John C., et al., <i>The U. S. in World Affairs, 1945-47</i>	1230
Langer, William L., <i>Our Vichy Gamble</i>	795
Latourette, Kenneth S., <i>The U. S. Moves Across the Pacific</i>	798
Lengyel, Emil, <i>America's Role in World Affairs</i>	134
Levi, Werner, <i>American-Australian Relations</i>	1237
Speiser, Ephraim A., <i>The U. S. and the Near East</i>	582
Welles, Sumner, <i>Where are We Heading?</i>	350
Wright, Quincy, <i>A Foreign Policy for the U. S.</i>	1003

UNITED STATES, GOVERNMENT AND POLITICS. Cushman, Robert E., <i>Constitutional Law in 1945-46</i>	248
--	-----

Kilpatrick, Wylie, <i>Neglected Aspects of Intergovernmental Fiscal Relations</i>	452
Book notices.....	153, 153, 159, 374, 590, 609, 810, 1032, 1036, 1038
Book reviews on: Commission on Freedom of the Press, <i>A Free and Responsible Press</i>	559
Committee on Records of War Administration, <i>The U. S. at War</i>	1004
Flynn, E. J., <i>You're the Boss</i>	1224
Fox, Harold G., <i>Monopolies and Patents</i>	1014
Johnson, Walter, <i>William Allen White's America</i>	1216
Morgenstern, George, <i>Pearl Harbor</i>	1023
Perkins, Frances T., <i>The Roosevelt I Knew</i>	130
Sternberg, Fritz, <i>The Coming Crisis</i>	801
Zink, Harold, <i>American Military Government in Germany</i>	100

UNITED STATES, HISTORY. Book notices.....	898, 899
Book reviews on: Cresson, W. P., <i>James Monroe</i>	12

UNITED STATES, NATIONAL GOVERNMENT. Barnett, V. M., <i>The Power to Regulate Commerce</i>	117
Brown, Everett S., <i>The Term of Office of the President</i>	24
Cushman, Robert E. (ed.), <i>Ten Years of the Supreme Court</i>	13
Doob, Leonard W., <i>The Utilization of Social Scientists in the Overseas Branch of the Office of War Information</i>	6
Fellman, David, <i>Ten Years of the Supreme Court: Federalism</i>	11
Field, O. P., <i>Separation and Delegation of Powers</i>	11
Graves, W. Brooke, <i>Legislative Reference Service for the Congress of the U. S.</i>	2
Heady, Ferrel, <i>A New Approach to Federal Executive Reorganization</i>	11

RECEIVED

200